

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD

Food Standards Committee  
Report on  
Food Labelling



*LONDON*  
HER MAJESTY'S STATIONERY OFFICE  
1964



## Food Standards Committee

The terms of reference of the Food Standards Committee are:

To advise the Secretary of State for Scotland, the Minister of Agriculture, Fisheries and Food, the Minister of Health, and as respects Northern Ireland the Secretary of State for the Home Department, on the composition, description, labelling and advertising of food with particular reference to the exercise of the powers conferred on Ministers by Sections 4, 5 and 7 of the Food and Drugs Act, 1955, and the corresponding provisions in enactments relating to Scotland and Northern Ireland.

The members of the Food Standards Committee at the time of the completion of this report were:

M. W. PERRIN, Esq., C.B.E., M.A., B.Sc., F.R.I.C. (*Chairman*).  
W. R. AYKROYD, Esq., C.B.E., M.D., D.Sc.  
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### *Joint Secretaries:*

G. O. KERMODE, Esq.  
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The Food Standards Committee appointed a Working Party to give this subject preliminary consideration and to consult interested persons and organisations.

The Working Party was composed of:

C. A. ADAMS, Esq., C.B.E., B.Sc., F.R.I.C., Barrister-at-Law (*Chairman*).  
F. C. BULLOCK, Esq., B.Sc., F.R.I.C.  
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The Committee wish to place on record their appreciation to the members of the Working Party whose work was of considerable assistance to the Committee.

The following also served on the Committee during the preparation of this report:

R. Groves, Esq., M.A., B.Sc., F.R.I.C., (formerly Chairman of the Food Standards Committee), A. Glover, Esq., O.B.E., M.Sc., F.R.I.C., E. W. Graham Guest, Esq., F.H.C.I., P. McGregor, Esq., B.Sc., F.R.I.C., Professor B. S. Platt, C.M.G., M.Sc., M.B., Ch.B., Ph.D., C. A. Adams, Esq., C.B.E., B.Sc., F.R.I.C., Barrister-at-Law, Mrs. M. Carroll-Marx, M.B.E.



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# FOOD STANDARDS COMMITTEE

## Report on the Review of Food Labelling

### CHAPTER I: INTRODUCTION

#### Scope of the Review

1. Our review of the Labelling of Food Order, 1953, as amended, and of other regulations, started in June 1961. We were instructed that our remit would permit us to consider the application of present labelling provisions to advertisements as well as of any additional labelling provisions that we might recommend. We were also asked to consider the need for regulations to control claims both on labels and in advertisements. We have divided our remit into two reviews and have decided to make two self-contained reports. This first report covers the general principles which we consider should be applied to all labelling of foods. The second report, which is in the course of preparation, will deal with claims on labels and in advertisements.

#### Background

2. There have been many and important changes since the publication of the Ministry of Food's Report on the Advertising, Labelling and Composition of Food, in 1949. A higher standard of living, the disappearance of wartime and post-war food shortages and the development of new food processes have provided the consumer with a greater choice of food products than ever before. Large numbers of housewives going out to work have demanded easily prepared foods, the so-called convenience foods. Pre-packaging of food has increased over the last decade using many new wrapping materials and containers. Methods of retailing and distribution have undergone considerable changes. Super-markets and self-service shops have become commonplace. Large scale methods of manufacture provide consumers with products of consistent composition, appearance, texture and flavour and food additives play an increasing part in enabling manufacturers to provide consumers with foods normally out of season or with a longer shelf life.

3. These developments mean that the consumer is now much more dependent upon adequate labelling to make a sound and well-informed choice. As a general rule the consumer should as far as possible be given all the relevant information as to the composition of the food on a label or display ticket, whichever is appropriate, and in a manner which is both easily read and understood. At present the layout and content of labels vary considerably. Manufacturers and traders naturally try to produce attractive labels designed primarily to promote the sale of their products and this sometimes results in the consumer not being able to find easily all the information to which he is entitled. Labelling is an important aspect of consumer protection.

#### General Principles

4. We agreed that the following guiding principles should be the basis of our deliberations:

(a) Regulations for labelling must be designed to protect consumers and honest traders.

- (b) If consumer and trade interests conflict, then the interests of consumers must take precedence.
- (c) All labelling should be as clear and informative as possible.

### **Arrangement of the Report**

5. We have broadly followed the sequence of the Labelling of Food Order, 1953, as amended, since most of the representations we have received relate to these statutory provisions. However, although the provisions about intoxicating liquor come within Article 4 of that Order which contains the general provisions, it seemed to us preferable to treat them as provisions relating to a particular food in Chapter IV, Section A, of this report.

6. Our Report is divided into five main chapters and has three appendices.

CHAPTER I Introduction to the Report.

CHAPTER II General Labelling Provisions Applicable to All Foods.

CHAPTER III Special Labelling Provisions for Chemical Additives.

CHAPTER IV Special Labelling Provisions for Particular Foods.

CHAPTER V Summary of Recommendations.

APPENDIX A List of Organisations and Individuals from whom Evidence was received.

APPENDIX B Guide to the Labelling of Food Order, 1953, as amended.

APPENDIX C Fish Names.

7. In Chapter II we deal with the general labelling provisions which we consider should apply to all foods. Section A of that chapter deals with some important definitions, which are fundamental to the whole of the Report. In particular we consider it necessary in paragraph 17 to define the word "container" in respect of pre-packed foods in order to give greater precision to the meaning of the term pre-packed, which is a cornerstone of the present labelling provisions. We consider that the present provision which permits the use of a registered trade mark as an alternative to the declaration of the name and address of the labeller or packer should no longer continue. Our reasons for this change are given in paragraph 23. In paragraph 27 we argue that the common or usual name or appropriate designation should be declared for all foods except those which have been sold under a trade name only for more than fifty years. We deal in paragraphs 29 to 41 with the proposition that all ingredients of compounded foods should be declared, preferably in descending order of the proportion by weight in which they were originally introduced into the food by the manufacturer. Certain exemptions to this general rule are, however, provided for. In these paragraphs we deal also with the order of the declaration of the ingredients of dehydrated foods and refer to the problem of added water in foods.

8. Section B of Chapter II contains, in our opinion, some of our most important recommendations. In that section we deal with the size and location of the statutory declarations, i.e. the common or usual name or appropriate designation, the declaration of ingredients, and the name and address of labeller or packer. We have consulted printers and food manufacturers and we conclude that the size of lettering in these declarations should be related to the size of the container or package. We also make certain proposals regarding the location of these declarations on labels, and the use of colour contrasts to improve legibility

and conspicuousness. We expect that such changes would lead to a considerable improvement in the presentation of statutory information on labels.

9. The Labelling of Food Order, 1953, as amended, exempts a number of foods from the need to carry some or all of the statutory declarations. We have examined these exemptions and in Section C of Chapter II we propose certain changes.

10. In Section D of Chapter II we examine the use of generic terms in the declaration of ingredients and suggest a number of additions to, and deletions from, the list of permitted generic terms. We also conclude in that Section that for certain foods sold non-pre-packed, the common or usual name or appropriate designation should be declared on a display ticket in close proximity to the food when offered for sale; and that certain other foods, when not sold pre-packed, should carry the name of the variety, where this is of particular importance to the consumer.

11. In Chapter III we discuss special labelling provisions for food additives. In paragraphs 88 to 93 we deal with the need for a special declaration of the presence of a permitted additive in a food, and in paragraphs 95 to 99 with difficulties in the declaration of the presence of small quantities of additives in a compounded food carried over from an ingredient and provide for certain exemptions from the need to declare the presence of such additives in the list of ingredients.

12. In Chapter IV we deal with special labelling provisions for particular foods. We consider in Section A the use of geographical names for wines and other intoxicating liquors, the use of proof spirit and percentage alcohol content declarations, and propose a number of changes in the labelling provisions for intoxicating liquors. In Section B we consider a number of changes which should be made in the labelling provisions for particular foods. In Section C we deal with a number of miscellaneous labelling matters which were brought to our attention in representations.

13. Chapter V is a Summary of our recommendations, and there are three appendices to the Report. Appendix A is a list of organisations and individuals who gave evidence to the Committee. Appendix B contains a guide to the current Labelling Orders which we prepared to facilitate reference to these provisions by readers of this Report. Appendix C is a list of fish names which, in paragraph 153, we recommend should be used for the retail sale of fish.

## CHAPTER II: GENERAL LABELLING PROVISIONS APPLICABLE TO ALL FOODS

### Section A. Requirements for Labelling

PRESENT REQUIREMENTS—(*Article 4 of the Labelling of Food Order, 1953—L.F.O. 1953*)

14. The general provisions of the present Order apply to all pre-packed food sold by retail although certain foods are exempt from some or all of them. They require a statement of the following particulars clearly legible and appearing conspicuously and in a prominent position on the label:

- (i) The name and address of the labeller or packer, or of the person on whose behalf the food is labelled or packed or, instead, a trade mark

which is in the Trade Marks Register, together with the words "registered trade mark".

(ii) (a) For a food consisting of one ingredient, the appropriate designation of the ingredient.

(b) For a food consisting of two or more ingredients; the common or usual name (if any) of the food; and a list of the ingredients appropriately designated and specified either by quantity or proportion or declared in descending order of proportion by weight.

If, however, under item (ii) an ingredient is made from two or more constituents, the appropriate designations of these constituents must be declared. It is not then necessary to list the ingredient itself.

"Appropriate designation" is defined as meaning a specific and not a generic name or description which indicates to a prospective purchaser the true nature of the ingredient or constituent to which it is applied.

15. We think the aims and general scope of these provisions were soundly conceived but that there are a number of points where amendment would lead to improvement.

#### DEFINITION OF PRE-PACKED—(*Article 2(1) in L.F.O. 1953*)

16. Since the general labelling provisions are restricted to pre-packed food, the definition of "pre-packed" is fundamental. This is defined in the present Order as follows:

"'Pre-packed' means packed or made up in advance ready for retail sale in a wrapper or container, and where any food packed or made up in a wrapper or container is found on any premises where such food is packed, kept or stored for sale, the food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of this Order."

We think that this definition needs to be made more precise by the addition of a definition of "container", since the meaning given to "container" determines the meaning of pre-packed. A definition of "container" should be incorporated in a revised Labelling of Food Order, similar to the definition which appears in the Weights and Measures Act, 1963. This is as follows:

"'Container' includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or confining band."

17. The inclusion in this definition of packaging by means of winding goods round some other article is not required in a definition which will apply exclusively to food. We therefore **recommend** that the definition should read as follows: "'container' includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article and in particular includes a wrapper or confining band."

#### OTHER DEFINITIONS

18. Article 2 of the present Labelling of Food Order contains a number of fundamental definitions. We **recommend** that any new regulations should, in addition

contain definitions of chocolate, chocolate confectionery and sugar confectionery and a revised definition of flour confectionery. The following definitions for these foods have been drawn up solely for the purpose of revised labelling regulations as recommended later in this Report.

**Chocolate** means any product made by grinding roasted cocoa beans, whether or not cocoa-butter has been added or partially removed and with or without the addition of carbohydrate sweetening matter or dairy products but does not include cocoa powder.

**Chocolate confectionery** means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing, of which the characteristic ingredient is chocolate or cocoa, with or without the addition of nuts and fruit and includes products made by enrobing sugar confectionery and other ingredients in chocolate but does not include chocolate, chocolate-coated, filled or flavoured biscuits, flour confectionery, any type of ice-cream or pharmaceutical products.

**Flour confectionery** means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing of which the characteristic ingredient is ground cereal whether or not flavoured or coated with any carbohydrate sweetening matter, chocolate or cocoa and includes macaroons, ratafia, meringues and petit fours but does not include bread, biscuits or any product containing a filling that has as an ingredient any meat or fish.

**Sugar confectionery** means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing, of which the characteristic ingredient is carbohydrate sweetening matter with or without the addition of edible fat, dairy products, gelatin, edible gums, nuts or preserved fruit, and includes sweetened liquorice, but does not include chocolate confectionery, sugared flour confectionery, any type of ice-cream, iced lollies, table jellies, table jelly preparations, slab marzipan, meringues, or pharmaceutical products.

#### LABELLING OF INNER WRAPPERS OR CONTAINERS—(*Article 4(1) in L.F.O. 1953*)

19. The present Order provides that if a food is packed in more than one wrapper or container the label must be on the innermost wrapper and, if it is not clearly legible through the outermost wrapper, then a label bearing the statutory information must also appear on the outermost wrapper. But a "liner", "a plain immediate wrapping which under ordinary conditions would not be removed from the next outer wrapper", does not count as a wrapper.

20. We think this provision is sound. The statutory information should be clearly visible to consumers at the time of sale and should not be printed only on an outside wrapper which may have to be torn on opening the packet and will probably be discarded early in the period of use of the product. We think that the information should be available to consumers during the time they are likely to be using the product. We are also opposed to any sale of a number of packets of different foods, such as small packets of cereals, wrapped together in such a way that the statutory declaration of some or all the individual packets is not visible at the time of sale.

21. Certain food, such as cake-mixes, which would normally be used up at one time are sold with components in separate envelopes within an outer container.

In such a case we *recommend* that it be made permissible for the inner envelopes merely to bear the appropriate designation of the component contained therein, provided that the outer wrapper lists the ingredients of the whole food in such a way as to make clear what ingredients are contained in each of the different envelopes. We do not recommend that a similar relaxation should be made in the case of products where the separate inner envelopes all contain exactly the same ingredients, and are intended for use one by one over the period, such as cornflour powders or table jellies. In such a case the outer container may well be thrown away and, therefore, the same argument for marking the inner envelopes applies as in the case of a single inner container.

22. We do not think tea bags can properly be regarded as liners but, as the bag is placed in the boiling water with the tea, it is clearly best from the health point of view for no markings to be made upon it. We therefore *recommend* that tea bags should be treated in the same way as liners.

NAME AND ADDRESS OF THE LABELLER OR PACKER—(*Article 4(2) in L.F.O. 1953*)

23. The provisions summarised in paragraph 14 (i) allow the use of a registered trade mark as an alternative to the name and address of the labeller or packer or the person on whose behalf the goods are labelled or packed. The present arrangement does not cause any serious difficulty from the point of view of the enforcement authorities, but we think that consumers should see on the label who was responsible for the product and where to address complaints. We therefore *recommend* that the provision allowing the use of a registered trade mark as an alternative in the present Order should no longer continue.

24. Article 5 (3) of the present Order exempts a retailer who pre-packs a food consisting of more than one ingredient from the requirement to state the name and address of the packer or labeller. We do not think it would be any hardship for the retailer to do this. With the increase in the number of self-service stores, which tend to pack an increasing number and variety of foods on the premises, we think that consumers may at present be deprived of information that they ought to have and we *recommend* that this exemption be withdrawn.

COMMON OR USUAL NAME AND APPROPRIATE DESIGNATION—(*Article 4(3) in L.F.O. 1953*)

25. The concept of the common or usual name has led to some difficulties, particularly with new products which cannot by their nature have a name that is either "common" or "usual". These products are often sold under names which give no idea of their nature. Even with established products, it is difficult to prove that a common or usual name exists if they do not fall into any clearly defined category. We therefore suggest two amendments to the Order to make the naming of products more informative. First, we *recommend* that if a compositional regulation specifies the name of the product to which the compositional standard applies, then that name should be regarded as the common or usual name. If the regulations permit alternatives, then one of the alternatives may be used. Secondly, where a food does not have a common or usual name, an appropriate designation should be required as already defined in paragraph 14: "Appropriate designation" is defined as meaning a specific and not a generic name or description which indicates to a prospective purchaser the true nature of the ingredient or constituent to which it is applied.

26. In our view, "true nature" in the definition of "appropriate designation" means a clear and accurate description of the characteristics of the food or ingredient. The specific name of a food is the one that indicates to consumers its nature, that is its common or usual name or appropriate designation. The generic term which may be applied to the same food is one which is less particular and could be applied to many foods having certain common characteristics. Thus "cod" is the specific name of the food to which the generic term "fish" may be applied, and "thyme" is the specific name of a type of food whose generic name is "herb". In the case of those foods where the variety is important to the consumer in deciding what to buy, for example, some fruits, the name of the variety should be stated as part of the appropriate designation and the same principle that the description should be as specific as possible should apply to all types of food. In Section D of this Chapter we **recommend** that this should also apply to certain foods when non-pre-packed. Finally, we think that the appropriate designation should always be as simple as possible and should not be qualified by words implying superior quality or purity.

27. A trade name which is not descriptive of the nature of the product cannot normally be regarded as the common or usual name but in a few cases a trade name has in the course of time come to be so regarded. This is often true of products for which there is no obvious common or usual name. We do not think a trade name should ever be used in place of a generally accepted common or usual name, but we see no objection to a trade name that has been in use for more than fifty years, to describe a product which has no obvious common or usual name, being regarded as a common or usual name for the purposes of the regulations. We do not mean, of course, to suggest any restrictions on the use of trade names, so long as the product bears the common or usual name or appropriate designation.

28. Article 5(2) of the present Order exempts a retailer who pre-packs an article consisting of one ingredient on the premises where it is sold by him; from stating the name and address of the packer or labeller or the common or usual name; provided that no words referring to the food appear other than such as are necessary to identify it or to indicate its price and quantity. For the reasons given in paragraph 24 we **recommend** that this exemption should be withdrawn.

#### DECLARATION OF INGREDIENTS—(*Article 4(3) in L.F.O. 1953*)

29. We do not propose any modification to the provisions set out in paragraph 14 (ii) (b). It might be argued that there are cases where it would be more informative to declare an ingredient than to declare the constituents of that ingredient. The most informative method of all might be to declare each ingredient separately and then, immediately following the name of the ingredient, to list the constituents of that ingredient.

30. Each method has its advantages and disadvantages. To list the constituents rather than the ingredients does indicate the basic components of a compounded food, prevents these components being masked by another and less informative name and avoids something that is really a significant component of a food, say salt, being considered as a minor constituent of a number of ingredients such as bacon and cheese, and so not declared at all. The cases where the declaration of ingredients rather than of constituents might be more satisfactory can be dealt with by means of exemptions from this provision. We deal with these in paragraph 67 below. The method of declaring both ingredients and constituents is in

theory most informative, but we think that it would be too complicated and require the inclusion of so much detail on the label that, apart from the difficulties that would face manufacturers in designing their labels, it could tend to be confusing rather than informative to consumers. Enforcement would be difficult since there would be no way of proving that a particular constituent was present in the food as a result of the use of a particular ingredient. We therefore do not recommend in this respect any change of principle in the present provisions of the regulation.

31. We regard the provisions dealing with the declarations of ingredients as perhaps the most important in the Order. We do not think there should be any departure from the principle that, in normal circumstances, all the ingredients used in a food should be declared. We would therefore not support any suggestion that the declaration should be confined to major ingredients, or that certain declarations of ingredients should be optional, or that permission should be given to list alternative ingredients; although the last point is partly met by the use of permitted generic terms (paragraphs 71-76). It has been represented to us that there should be an exemption from the need to declare chemical additives that are present in very small quantities. We deal with this question in paragraphs 95-99.

32. The ingredients or constituents to be listed are clearly all those which have been used in the preparation of the food, but difficulties have arisen from the prescription in the present Order that they should be listed "in the order of the proportion in which they were used". It is not clear what is meant by "used" in this context. If it is the proportions which existed when the first mixing of the ingredients took place it may admittedly bear no relation to the proportions when the product is sold but even if some ingredients may actually disappear in the process of manufacture, it seems to us that the aim of the declaration of ingredients should be to give consumers as clear an indication as is practicable of the relative proportions of the ingredients and constituents which were introduced by the manufacturer in making the food. We therefore *recommend* that these ingredients and constituents should be listed in the order in which they were present when the product was first compounded, at what might be termed the "Mixing Bowl" stage of manufacture.

33. We have received representations from canners and quick-freezers of mixed vegetables that special difficulties arise in making a declaration of ingredients for their products. As many as six different types of vegetables may be used as ingredients and it is not possible to state accurately in what proportion the individual vegetables are present in the final product. In order to meet these difficulties, we *recommend exceptionally* that on the labels for canned or frozen mixed vegetables, provided that no single ingredient unduly predominates, and that all the ingredients listed are present in the container, the ingredients may be declared in alphabetical order.

34. The declaration of dried or dehydrated ingredients also seems to us to require clarification. Since water is a major constituent of all unprocessed foodstuffs, informative declaration is a problem for a food where some of the ingredients are used in a dried form and some in their natural state. For all the dried ingredients to appear far down the list of ingredients may be misleading to consumers. The order of ingredients in a dried product which is intended to be reconstituted may also mislead consumers since the order will be substantially different from that of the ingredients when reconstituted.

35. We suggest that ingredients in a food which is to be consumed without reconstitution should be declared in the order in which they would be declared if their natural water content were taken into account, even though they were actually used in the food in a dried form and have absorbed water in the process of manufacture. In the case of dried food which is to be reconstituted by the addition of water, we *recommend* that the manufacturer should have the option of declaring the ingredients in the order of the proportions they were in when sold by him or in the order that they will be in when reconstituted. If the second of these alternatives is adopted, the list of ingredients should be headed: "Ingredients in order, by weight, when reconstituted", or "Ingredients when reconstituted".

36. Article 5 (1) (b) of the present Order exempts "any assortment of foods packed for sale as a meal and ready for consumption without cooking, heating or other preparation" from all the provisions of Part II of the Order. We do not think that this exemption is really necessary and the word "meal" is so vague that it is bound to lead to confusion and uncertainty. We *recommend* therefore that this exemption should be withdrawn.

#### DECLARATION OF ADDED WATER—(*Article 4(3) in L.F.O. 1963*)

37. We have carefully considered the difficult question whether a declaration of added water, which is not required by the present Order, is desirable.

38. The addition of water to food is commonplace in cookery. There are, however, strong arguments for requiring a declaration of water which is added to food for reasons other than the reconstitution of a dried ingredient. Consumers should know whether water has been added and whether it is a major ingredient of the food.

39. The absence of a declaration of added water in its proper place in the list of ingredients can give consumers a false idea of the composition of the food. The list of ingredients which appears to be comprehensive omits one of the most important ingredients. Two foods of quite different composition because of different amounts of undeclared water may have identical declarations of ingredients. Moreover, if a container of a declared net weight mentions only one ingredient consumers may reasonably suppose that they are receiving that weight of the ingredient, whereas in fact, they may receive only part of the declared weight of the ingredient, the rest consisting of water.

40. On the other hand it can be equally strongly argued that added water need not be declared. Water is an inherent ingredient of food. The amount of water added during processing depends not only on the nature of the process, but on the amount of water naturally present in the products being processed. This means that if added water had to be declared, some foods would always have to declare it, some never and some occasionally. Most consumers would not appreciate the technological reasons why water was sometimes declared and sometimes not, would be confused and would receive no practical advantage from such a declaration. In any event the declaration would not usually tell consumers whether a large or small amount of water had been added and therefore would be no protection against excessive dilution. In the case of a compound food like sausages, a declaration of added water would be of no value to consumers.

41. We do not therefore feel able to make any specific recommendations for a change in the present regulations about the declaration of added water. Compositional standards could lay down maximum water contents for those foodstuffs for which the control of water content was thought desirable in paragraph 39.

#### Section B. Size and Location of the Statutory Declaration

42. The development of pre-packaging and self-service methods of retailing foodstuffs has in our opinion led to a greater need for clearly legible and conspicuous statutory declarations on labels for the benefit of both consumers and traders. There is need for much greater emphasis to be placed upon well-designed labels which readily inform the consumer of the nature of the foodstuff. This should be the prime objective of any revised regulations. We have therefore devoted a considerable amount of time in our review of labelling to the examination of different means of securing an improvement to the provisions of Article 4(1) of the present Order. We recognise at the outset that, though we have sought the advice of printers and have discussed our proposals in general terms with representatives of the food trade, some modification of detail, but we hope not of principle, may be required to meet the special difficulties of some manufacturers and traders utilising very small or irregular shaped containers. In general we have satisfied ourselves that the following proposals for statutory declarations will be of practical application for food containers and labels.

43. The provisions of the present Order are that the designation, the ingredients and the name and address of the person responsible, should be "clearly legible" and "appear conspicuously and in a prominent position on the label". What is legible, what is conspicuous and what is prominent are matters of opinion in any particular case. From the evidence we have received we are of the opinion that the present prescription although in general necessary and effective is too imprecise always to achieve the minimum desirable presentation. The overriding consideration is the inherent right of the prospective consumer, with reasonable scrutiny of a pre-packed food, readily to see and read the information which the law requires to be put on the label. There are labels where the print has not been legible, although this particular requirement is not, in practice, abused to any considerable extent. The prominence and conspicuousness of the statutory declarations are much more open to argument and produce more evidence of fault and we are informed that an appreciable amount of argument occurs on this subject between enforcing authorities and manufacturers. There are many factors affecting prominence and conspicuousness on a label. Size and style of the type used: the colour of type and background on which it is printed: the association or disassociation of the different items of the statutory declarations: the effect of other print on the label: all these are factors whose interplay affects conspicuousness.

44. We are concerned that the present general requirement should remain but have concluded that it should be supplemented by specific directions and have explored various techniques of achieving this end. We have consulted with the trade and have borne in mind that, so far as possible, the labeller should be allowed to design his label in a manner which seems to him most likely to be attractive. In our view the formulae which we propose will achieve the necessary

improvement in the presentation of the required declarations on labels without putting unfair restraint upon labellers, or requiring more than the necessary minimum uniformity. In so far as it will eliminate misleading labels, it will support those manufacturers and traders whose labels are satisfactory but whose products may at present be in competition with others not so well labelled.

45. We first considered the labelling provisions in a number of recent regulations but came to the conclusion that these requirements, though sound for the foods they were specifically designed to cover, would not be acceptable for general application to all foods. In the main they relate the size of lettering required for the statutory declarations to the size of the largest letter appearing on the label. This arrangement can work satisfactorily for certain categories of containers but would present difficulties if applied to the whole range of containers and labels used for foodstuffs. Widely differing results would be produced particularly in respect of the declaration of ingredients, and rather unreasonable sizes of declarations would be required for some products in common size. It did not appear to us that a provision which was based upon such a variable as the size of the largest letter appearing on the label could lead to greater precision or simplicity for printers and the food trades, nor would the interests of consumers be especially served if it were applied to all foodstuffs.

46. Another possible way of ensuring that the statutory declaration is prominent and conspicuous would be to require it to appear on a panel occupying a specified proportion of the label. This would have the advantage of ensuring that the statutory information is not hidden in a mass of extraneous matter. However, we do not think that this is a procedure that we could recommend, partly because of the difficulties of interpretation mentioned in paragraph 43.

47. We have therefore decided to adopt a different approach to the problem of ensuring that labels carry conspicuous and legible declarations. We thought that the trade interests and printers would prefer to have a simple and clear formula for the size and location of declarations which would not involve major redesign of labels, particularly those which have long been accepted by consumers as trade marks or brandmarks. We concluded that if a size of type is to be laid down in regulations it should be related to the size of container. Such an arrangement should only prescribe minimum sizes of letters leaving the manufacturer free to use larger letters if he wishes to do so.

48. We think that the most practical way would be a formula relating the minimum size of lettering for the statutory declarations to the area of the four largest sides of the smallest hypothetical cuboid, or to the area of the smallest hypothetical cylinder (excluding its top and bottom surfaces), capable of completely enclosing the container of the food; except that in the special case of the flatter type of pack where the label is normally on the top surface, the determining area would be the total surface area minus the bottom surface. We would expect that in practice manufacturers would adopt the method of calculating the surface area of their containers which would require the smaller size of lettering. After examining a selection of containers commonly in use we drew up the following scales for guidance in prescribing minimum point sizes for the lettering of the common or usual name or the appropriate designation of the food and declaration of ingredients.

<i>Surface area</i>	<i>Minimum point size of common or usual name or appropriate designation</i>	<i>Minimum point size of list of ingredients (See footnote)</i>
Up to 30 sq. ins.	14 point	6 point
over 30-40	18 point	
over 40-60	24 point	8 point
over 60-90	30 point	10 point
over 90-130	36 point	12 point
over 130-180	42 point	14 point
over 180	48 point	<b>18 point</b>

#### COMMON OR USUAL NAME OR APPROPRIATE DESIGNATION

49. Originally it was our intention to recommend that the declaration of the common or usual name or appropriate designation of a food should be in a plain, bold and uniform type such as Gill Sans. After discussion with representatives of the food trade and an examination of a large number of labels currently in use we have concluded that to insist upon the same type for all labels in respect of this declaration would lead to excessive uniformity of appearance of labels on products on display. Much of the attractiveness of labels would be lost and possibly it would create certain difficulties for the consumer in identifying the products of a particular manufacturer. Most manufacturers and traders attach considerable importance to the legibility and conspicuousness of this declaration to facilitate the marketing of their products. Distinctive forms of lettering peculiar to a manufacturer's range of products are often used and in general they can be said to satisfy the requirement of being clearly legible and appearing conspicuously in a prominent position on the label. Nevertheless we feel that some improvement can be achieved regarding this declaration if the whole of the common or usual name or appropriate designation appears as a continuous statement in a uniform type and colour. We therefore *recommend* that this declaration should be made in letters of a minimum size in accordance with the formula in paragraph 48 and in uniform type and colour.

50. We *recommend* that where two or more ingredients are mentioned in the common or usual name or appropriate designation the ingredients should be mentioned in descending order of magnitude unless a specific statutory provision permits a different order. We dislike the practice of printing what the manufacturer regards as the less attractive part of the common or usual name or appropriate designation in much smaller letters. In our view the test for a satisfactory declaration must be that the reasonably attentive and enquiring but busy customer can not only see the designation, but read it. At the same time we recognise that some foods carry a rather extended common or usual name consisting of a major and one or more minor components. We see no objection to printing the major part larger than the minor part, but the secondary part should be of the minimum size recommended in paragraph 48 and the major portion should never be more than one third larger than the minor.

*Footnote—see paragraph 48*

The Scale headed "Minimum point size of list of ingredients" is printed in the recommended point size of Roman Serif lettering.

## DECLARATION OF INGREDIENTS

51. As in the case of the common or usual name we originally favoured a requirement that the declaration of ingredients should be made in Gill Sans type. However, after studying a number of declarations in this type we have come to the conclusion that Roman Serif upper and lower case (in which this Report is printed) would better facilitate the reading of lists containing a number of ingredients. We therefore *recommend* that the declaration of ingredients should be printed in Roman Serif, upper and lower case, related to the size of container as in the table in paragraph 48 subject to a minimum size of six point. We also *recommend* that the list of ingredients should always be headed or preceded in at least two point sizes larger than that required for the list of ingredients by the word "Ingredients". Our recommendations in paragraph 35 concerning the phrases "Ingredients in order by weight when reconstituted" and "Ingredients when reconstituted" should be printed in two point sizes larger than that required for the list of ingredients.

## NAME AND ADDRESS OF PACKER

52. We make no specific recommendations as to the form or size of type to be used for the name and address of packer. It is necessary only for this to be legible and the other general provisions are sufficient to ensure this.

## LOCATION OF STATUTORY DECLARATIONS

53. It would be helpful to consumers if the statutory information could be printed on the label all together and in the same position on every label, but we do not think it practicable to insist on this. Consumers should be able to find out what is in a food without having to search all over the surface of the container. For this reason the statutory information should never be on the underside of the container. We think that the best solution is for the statement of the list of ingredients to be either enclosed by a surrounding line or printed in bold type in black on a white panel, and, therefore, we *recommend* accordingly. We would have liked to be able to insist upon the declaration of ingredients being made within a rectangular line, but the size or shape of the container or of the label may often make this impracticable. The requirements detailed in our recommendation should make the declaration much more conspicuous and legible.

## SMALL CONTAINERS

54. Article 5(4) of the present Order allows food in containers holding less than  $\frac{1}{2}$  oz. or  $\frac{1}{2}$  fluid oz. to carry on their labels only as much of the statutory information as they reasonably can, starting with the common or usual name and the declaration of ingredients and going on to the name and address of the labeller or packer. Whilst we recognise the practical difficulties of making complete declarations on small containers, we consider that our recommendations concerning the size of lettering to be used for the statutory declarations in paragraphs 48 to 53 should remove the need for this exemption and we therefore *recommend* that it should be withdrawn in any revised regulations.

## WEIGHTS AND MEASURES LEGISLATION

55. As well as the statutory information required by regulations made under the Food and Drugs Act 1955, there is also the question of compliance with regulations made under current Weights and Measures Legislation, which govern

other items on the label, for example a statement of capacity, volume or weight. We understand that the Departments concerned are aware of the importance of co-ordinating these matters.

### Section C. Exemptions from General Requirements

#### EXEMPTIONS FROM THE GENERAL PROVISIONS (*Article 5(1)(a) in L.F.O. 1953 and the First Schedule*)

56. Certain foods are exempt from all the general provisions of the present Order and others from some of them. This means that the name and address of the labeller or packer, the common or usual name or appropriate designation (as the case may be) or the ingredients do not have to be declared on certain foods. On other foods only one of these declarations has to be made. These exemptions were made for a number of reasons, such as that ingredients need not be declared when a compositional standard has been laid down or because of supply or other difficulties at the time the regulations were made. Some of these reasons no longer apply and we believe that the list should be revised.

57. The following foods are exempt from all the general provisions, that is the declaration of name and address of packer or labeller, the common or usual name or appropriate designation (as the case may be) and the ingredients.

Beer brewed in the United Kingdom.

Bread (not including breadcrumbs).

Butter and milk blended butter.

Flour confectionery.

Fresh fruit and vegetables, (other than potatoes) not including fruit and vegetables which are bottled, frozen, dried or otherwise processed. For this purpose cleaning or removal of extraneous or inedible matter is not regarded as processing.

Liquid cow's milk (other than condensed milk).

Meat puddings (other than canned) and meat pies.

Single toffee apples.

Sugar confectionery, chocolate and chocolate confectionery.

Whole cooked beetroots.

58. Apart from liquid cow's milk, the labelling of which is controlled by the Milk (Special Designation) Regulations, 1960, we do not consider that there is a case for excluding any of these products, when sold pre-packed, from the requirement to state the common or usual name or appropriate designation (as the case may be) and the name and address of the labeller or packer. We recommend therefore that total exemption should be given only to liquid cow's milk, other than condensed milk. We deal in later paragraphs with the question whether any of these foods should be exempt from the necessity to declare ingredients.

59. The following products are exempt from the need to state the name and address of the labeller or packer:

Compound cooking fat.

Margarine (not including vegetarian butter).

Sugar.

Yeast.

We can see no justification for continuing these exemptions and we *recommend* that they be withdrawn.

60. The most important exemptions from the general provisions of the Order are those which concern the declaration of ingredients. They apply to all foods for which a compositional standard is laid down (except, "tomato ketchup, catsup, sauce or relish"). The argument for these exemptions is that, if a compositional standard specifies the ingredients, there is no necessity to state them on the label. Many compositional standards, however, only control one or two of a number of ingredients and we do not think that, where this is the case, these foods should be exempt from the declaration of ingredients. We have therefore considered all the foods subject to statutory standards and have divided them into two categories: those foods for which the standard covers the whole or almost the whole composition and those for which the standard covers only part of the composition. We *recommend* that the exemption from declaration of ingredients should be continued for the first category and withdrawn from the second.

61. We would place the following foods in the first category and therefore *recommend* that they should continue to be exempt from the declaration of ingredients:

Bread.

Coffee and chicory mixtures, including French coffee.

Coffee with fig flavour or fig seasoning, including Viennese coffee.

Cream.

Curry powder.

Edible gelatine.

Flour, excluding self-raising flour.

Saccharin tablets.

Suet.

We *recommend* that Butter also should be exempt from the declaration of ingredients, except that where salt or colouring has been added, these should be declared on the label.

62. We would place the following foods in the second category and *recommend* that they should in future be required to have their ingredients declared:

Baking powder.

Fish cakes.

Fish paste.

Golden raising powder.

Ice-cream.

Jams and preserves.

Liquid coffee essence or extract.

Liquid coffee and chicory essence or extract.

Margarine.

Meat paste.

Mustard.

Salad cream and Mayonnaise.

Self-raising flour.

Soft drinks.

Table jellies.

Tomato Ketchup, Catsup, Sauce or Relish.

63. It has been suggested that it might be useful to consumers if the standard itself were printed on the label of products for which standards have been laid down. We do not think this would help consumers and might in fact be misleading if the article had a higher composition than the prescribed minimum standard and might be impracticable for reasons of space on the label.

64. For the following foods, which are not subject to standards, a declaration of ingredients is not required at present. The list includes, of course, some foods which do not have to carry *any* declaration and have therefore been mentioned in paragraph 57.

Beef sausages, pork sausages, slicing sausages, beef sausage meat and pork sausage meat (other than canned).

Beer brewed in the United Kingdom.

Biscuits.

Cheese.

Compound cooking fat.

Custard powder and blancmange powder.

Flour confectionery.

Fresh fruit and vegetables.

Fruit and vegetables (including vegetable salad in mayonnaise) canned in the United Kingdom.

Liquid cow's milk.

Macaroni and spaghetti (cooked in tomato sauce) canned in the United Kingdom.

Meat puddings (other than canned) and meat pies.

Single toffee apples.

Spa waters, seltzer waters, potash water, and lithia water.

Sugar confectionery, chocolate and chocolate confectionery.

Thick mixed fruit sauces.

Whole cooked beetroot.

Worcester sauce and similar thin sauces.

Any preparation which is the subject of a monograph in the British Pharmacopoeia or in the formulary section of the British Pharmaceutical Codex.

65. We consider that there is no longer any case for continuing to exempt most of these products from the requirement to declare ingredients. There would, however, appear to be no advantage to consumers in a declaration of ingredients of biscuits, or of flour and sugar confectionery as we have defined them in paragraph 18. There are also a few other products which we think should continue to have this exemption, since they are essentially single ingredient foods. We *recommend* therefore, that the following foods from the list in paragraph 64 should continue to be exempted from the requirement to declare their ingredients:—

Beer brewed in the United Kingdom.

Biscuits.

Cheese (but not processed cheese and cheese spread).

Flour confectionery.

Fresh fruit and vegetables.

Liquid cow's milk.

Natural spa water (but not seltzer water, potash water, lithia and any artificial spa water).

Single toffee apples.

Sugar confectionery, chocolate other than block chocolate, and chocolate confectionery.

Whole cooked beetroots (except when sold canned or bottled)

Any preparation which is the subject of a monograph in the British Pharmacopoeia or in the formulary section of the British Pharmaceutical Codex.

66. It is important that manufacturers of foods to which the exemption from declaring ingredients applies should take advantage of it fully or not at all. A selective declaration of one or two ingredients, which may not even be major ones, is likely to mislead consumers. We therefore *recommend* that if a declaration of ingredients, although not required, is nevertheless made, it must be a declaration, in the form which we have recommended, of all ingredients present in the food.

67. The Labelling of Food Order at present also exempts certain food from the need to carry a declaration of its ingredients when the food itself is used as an ingredient in a compounded food. Although in paragraph 30 we have recommended that, as a general principle, the declaration on a compounded food should state the constituents of the ingredients and not the ingredients themselves, we *recommend* that it is sufficient to state the ingredients

- (i) when the ingredients would, if sold as individual foods, not have to carry any declaration of ingredients. (Our recommended lists of these foods are in paragraphs 61 and 65) and
- (ii) in certain cases where, although we have not included the foods in paragraphs 61 or 65, we think that no purpose would be served, when they are used as ingredients of compounded foods, by a declaration of their constituents. These foods are:—

Baking Powder

\*Breadcrumbs, ruskcrumbs, and rusk.

\*Chocolate.

Golden raising powder.

Ice-cream, including dairy ice-cream, etc.

\*Intoxicating liquor.

\*Macaroni and other forms of pasta.

Margarine.

Mustard.

\*Pickles and Sauces for which the appropriate designation clearly indicates the type of sauce or the major ingredient or ingredients.

Self-raising flour.

\*Tomato Ketchup, catsup, sauce or relish.

No declaration is required on any of them under the present Order, either because they are the subject of standards or (the starred items) because they are specifically exempted.

68. When, as recommended in the preceding paragraph, ingredients are declared instead of constituents, they should be described by the common or usual name that would be applied to them when sold as foods.

69. We have received representations that the following foods should be added to the list of exemptions from the requirement to declare the constituents of a food which is itself used as an ingredient in a compounded food:—

Sauces.  
Pickles.  
Mixed peel.  
Mixed vegetables.  
Mixed fruit.  
Citrus fruit.  
Stuffing.  
Pastry.  
Mayonnaise.

Except for pickles and sauces, which are listed in paragraph 67, we do not think that any of the above foods should receive this exemption. In our opinion the exemption should not be used to permit a number of different ingredients to be declared under a single collective heading such as "mixed fruit". Consumers have a right to know what fruit or vegetables are being used. Similarly, we think they have the right to know what sort of stuffing and pastry are used and what the manufacturer understands by the term "mayonnaise". We do not think that these exemptions should be extended.

70. Condensed Milk is in a special category and is controlled by the Condensed Milk Regulations 1959 (Statutory Instrument 1959, No. 1098). We do not recommend any change in the labelling requirements as set out in those Regulations.

#### Section D. Generic Terms and Names of Varieties

USE OF GENERIC TERMS IN THE DECLARATION OF INGREDIENTS. (Article 5(1)(a) in L.F.O. 1953 and the First Schedule, Table A. Entry No. 3).

71. At present the following substances may be designated by generic terms in the list of ingredients.

Substance	Generic Term
Fish when forming an ingredient of fish products.	Fish.
Imitation cream when forming an ingredient of some other food.	Imitation cream.
Prepared purified starch when forming an ingredient of some other food.	Edible starch.
Any deodorised fatty oil, whether hydrogenated or not, when forming an ingredient of some other food.	Edible oil or edible fat.
Herbs when forming an ingredient of some other food but not exceeding 1 per cent. by weight of such food.	Herbs.

#### Spices:

When pre-packed for sale as such, other than spices consisting of a single ingredient; or	Spices.
When forming an ingredient of some other food.	
Vine fruits (muscatels, raisins, sultanas and currants) when forming an ingredient of some other food other than a beverage	Vine fruits.
Nuts when forming an ingredient of some other food.	Nuts.
*Colourings, when forming an ingredient of some other food.	Colourings.
*Emulsifying salts (sodium citrate, sodium phosphates and sodium tartrate) when forming an ingredient of some other food.	Emulsifying Salts.
*We deal with the provisions relating to colourings and emulsifying salts in the next Chapter of the Report.	

72. We consider that the use of a generic term in the declaration of ingredients should continue for fish and imitation cream, and for edible starch, but we consider that there is a need for two generic terms for edible starch; one for starch which has not been subjected to any chemical treatment or process after separation from the raw material by washing (for which the term "purified starch" is at present normally used) and one for starch which has been modified by chemical process. We *recommend* that these terms should be "Edible Starch" and "Modified Edible Starch" respectively.

73. We think that it should be made clear whether deodorised fatty oil is derived from animal or vegetable sources. The permitted generic terms should, therefore, be "edible animal oil" or "edible animal fat" and "edible vegetable oil" or "edible vegetable fat" respectively. We also think that, wherever possible, a manufacturer should indicate whether the oil used is hydrogenated or not, but we recognise that this may in some cases not be possible and we do not therefore recommend that it should be made compulsory. We do not consider that the term "shortening" should be accepted as an alternative to the clear and long-established descriptions "oil" and "fat". We consider that the use of the generic terms "herbs" and "spices" when they form an ingredient of some other food should continue to be permitted and we think that the use of the terms "herbs" and "spices" should only be used when herbs or spices do not form more than 1 per cent of the weight of the food concerned, since if a larger quantity of either is present, it is right that consumers should know exactly what has been used. We see no objection to the use of the term "mixed herbs" instead of "herbs".

74. We do not consider that there is any longer justification for muscatels, raisins, sultanas, currants and nuts to be designated by generic terms. The use of generic terms for these fruits and nuts was allowed because of the difficulties of supply in the years after the war. These conditions no longer apply and we therefore *recommend* that vine fruit or nuts, forming part of another food, should be declared on the label by their specific names and not by generic terms.

75. We considered representations to add the following to the list of generic terms:

Edible gums.  
Seasoning.  
Meat extract.  
Fruit juices.  
Fruit acid.  
Cheese.

76. We *recommend* the addition of "edible gums" to the list of generic terms, and that its use be permitted for the following exudations and endosperm gums; gum acacia (gum arabic), carob gum (locust bean gum), gum ghatti (bassora gum, hog gum), gum guar, gum karaya (sterculia gum) and gum tragacanth. We see no objection to the use of "fruit acid" as a generic description provided that it is confined to citric, tartaric and malic acid. We do not think that the generic term should be used for seaweed preparations such as carrageen, agar and the alginates, nor for dextrin (British gum) which is a hydrolysed starch preparation and should be specifically declared. We think that more precise descriptions than "seasoning", "meat extract" and "fruit juices" are necessary. We see no reason

why the type of fruit and the type of meat should not be stated in all cases. "Cheese" should not be allowed to be used as a generic term in all cases, but it should be permitted in the list of ingredients of cheese spread.

#### LABELLING OF PRE-PACKED FOOD SOLD OTHERWISE THAN BY RETAIL (Article 6 in L.F.O. 1953).

77. Article 6 of the Order requires that pre-packed food sold otherwise than by retail should be labelled in accordance with the general provisions or should be delivered unlabelled and an invoice be furnished within fourteen days giving the necessary information to enable the purchaser to comply with the provisions. We think that this provision is satisfactory when food is being sold by one wholesaler to another, but we do not think it right that the onus of correct labelling should be put on to the retailer. We therefore *recommend* that foods sold to a retailer should be labelled in accordance with the general provisions.

78. At present any assortment of foods packed for sale as a meal and ready for consumption without cooking, heating or other preparation (Article 5(1)(b)) and foods which, as explained in paragraph 57 do not have to comply with any labelling requirements are exempt from Article 6. This is logical, as they do not have to comply with any labelling requirements when sold retail. As we have recommended in paragraphs 36 and 58 that none of these foods, except liquid cow's milk, should continue to be completely exempted, their exemption from Article 6 should no longer continue.

#### LABELLING OF NON-PRE-PACKED FOOD FOR SALE BY RETAIL

79. We were specifically asked to consider how far, if at all, the provisions on pre-packed food should be applied to food which is not pre-packed. The main argument against this is the practical difficulty. We do not wish to see an excess of placards in shops and we do not think it is necessary to apply labelling provisions to all unwrapped foods or to apply all the general provisions of the Order to any unwrapped food.

80. We do, however, think there are two kinds of unwrapped food where some labelling provisions are necessary: the first is compound foods, where consumers may be in doubt as to what they are being offered, and the second is fresh food of which the type or variety is important to the consumer.

81. We therefore *recommend* that for the following foods sold non-pre-packed by retail, whether home-produced or imported the following information should be provided on a ticket displayed on or in immediate proximity to the food in uniform lettering of not less than a half-inch in height:

All compound food except bread,	the common or usual name, if any,
flour confectionery, sugar confectionery and chocolate confectionery:	of the food, or the appropriate designation.
Fish:	the variety.
Cheese:	the variety.
Apples:	the variety.
Pears:	the variety.
Plums:	the variety.
Potatoes:	the variety.
Sausages:	the type of meat.
Meat and edible offal:	the type of meat or edible offal and, where appropriate, the joint or cut of meat.

82. We have excluded confectionery since we think that a display of cakes, for example, with varied appropriate designations would be onerous to retailers and of little benefit to consumers. On the other hand, a display of meat or fish pies, with no indication of what sort of pie they were, would be uninformative to consumers. We think a declaration of the appropriate designation by means of a ticket ought to be required on meat and fish pies. The other foods we have listed in paragraph 81 seem to us to be the most important ones where consumers are liable to be confused and where a display ticket indicating the variety could prevent the customer being orally misled.

83. Our attention has been drawn to the following conclusion in the Report of the Fleck Committee of Inquiry into the Fishing Industry: "The consumer will assess the merits of frozen fish in relation to his own tastes and requirements; but he should be able to tell whether what he is being offered is fresh fish or frozen fish that has been thawed out. We recommend therefore that fishmongers should indicate to their customers which fish is quick-frozen and which fresh, although we recognise that this would not be practicable for friers and caterers". While we agree that fishmongers ought, where possible, to draw the attention of customers to this distinction, we do not think that there should be any statutory requirement. It would be impossible to enforce and it might be taken to imply that quick-frozen fish was inferior to fresh fish.

### CHAPTER III: SPECIAL LABELLING PROVISIONS FOR CHEMICAL ADDITIVES

#### DECLARATION OF ADDITIVES IN FOOD

84. We do not think that the recommendations which we have made on the declaration of ingredients and constituents generally will be enough in themselves to ensure that the consumer is given adequate and clear information about the chemical additives if any, present in the food.

85. In considering this question we have divided additives into two categories: first, those used as processing or manufacturing aids, such as emulsifiers and certain solvents, and secondly those whose function is to ensure that food is presented in a sound and attractive condition, but which may give a misleading impression as to its nature or quality. Preservatives and colouring are examples of the latter category.

86. We *recommend* that additives in the first category should be included in the declaration of ingredients or constituents whenever such a declaration is required. An additive which is in a permitted list in Regulations covering a class of additives, may be described generically. For example, an emulsifier contained in the permitted list in the Emulsifiers and Stabilisers Regulations may be called a "permitted emulsifier". Otherwise the specific name of the additive should be given.

87. We note in passing that if this recommendation is accepted "permitted emulsifier" would become a generic term, and the description "emulsifying salts" at present allowed should be discontinued so as to avoid confusion. It covers only three sodium salts and we do not think that any hardship will be caused if these have to be specifically named.

88. We think that a special declaration should be made of the additives in the second category, in which we include preservatives, antioxidants, colours,

artificial sweeteners, bleachers, improvers, and flavourings. This can only be required for classes of additives which have been defined in Additive Regulations so that at the present time flavourings could not be dealt with in this way.

89. We *recommend* that when preservatives, antioxidants, colours and artificial sweeteners are present as ingredients or constituents of pre-packed foods, a special declaration should appear in immediate proximity to the ordinary declaration of ingredients, if any, and within the same surrounding line or on the same Panel (see paragraph 53). The form of the declaration should be:

“Contains permitted preservative.”

“Contains permitted antioxidant”, etc., as appropriate.

The lettering should be the same in all respects as that required for the ordinary declaration.

90. We *recommend* that bleachers and improvers should be declared in the same way when present in pre-packed flour, but we do not think that bread need carry a special declaration of additives because of the comprehensive control of bread imposed by the Bread and Flour Regulations 1963.

91. Flavourings, so long as they are not covered by a permitted list, would continue to be included in the ordinary list of ingredients. A distinction should be made in the declaration between “flavouring agent”, meaning the substance which actually imparts the flavour and “flavouring” meaning the compound material, containing the flavouring agent, which is sold. We think also that natural and synthetic flavourings and agents should be distinguished.

92. The reasons which led us to recommend that certain pre-packed foods should continue to be exempt from the requirement to declare ingredients do not, in our view, apply in general to additives in the second category. We therefore *recommend* that these substances should be declared on pre-packed food even if it is exempted from the general requirement to declare ingredients. The declaration should be made in the way recommended in paragraph 89. We *recommend*, however, that raw fruit, raw vegetables, bread, flour confectionery, sugar confectionery and chocolate confectionery should be exempt from this requirement. To impose it on confectionery would lead to such complexities of labelling as to confuse consumers.

93. We can see no good reason why foods which we recommend should carry the special declaration of additives when they are sold pre-packed, should not carry this declaration when they are sold non-pre-packed, and we *recommend* accordingly. Indeed, a declaration of the presence of preservatives is required by the Preservatives in Food Regulations 1962 in respect of certain foods whether or not they are pre-packed. We *recommend* that the declaration should be required to be made on a ticket displayed on or in immediate proximity to the food, and not, as is sometimes done, on a placard separate from the goods.

94. It has been suggested that a statement of the amount of chemical additive present should be made compulsory. We do not think this is necessary. It might be impossible in many cases for the manufacturer to make an accurate statement and it would only give significant information to well-informed consumers.

95. It has been represented that there should be an exemption from the need to declare chemical additives that are present in very small quantities in a compounded food, particularly if they are present as the result of the use of an ingredient which is permitted to contain the additive. This suggestion could be

made with even greater force in view of our recommendation that there should be special declarations for certain types of additives.

96. In their 1954 Report on Antioxidants (paragraph 13) the Food Standards Committee expressed the view that chemical substances present in so minute an amount that they exert no significant antioxidant effect on the food should not be regarded as antioxidants; but the Antioxidant in Food Regulations, made in 1958, did not provide for this concession. In their 1959 Report on Preservatives, (paragraphs 51-55) the Food Standards Committee rejected the proposition that foods containing small amounts of permitted preservatives present for some other reason, or with some other object, than preservation of food, the amount being too small to have any preservative action, should be regarded as foods not containing a preservative; and the current regulations contain no such provision.

97. The application of the so-called "de minimis" principle has again been advocated particularly for additives such as preservatives or antioxidants. There are arguments in favour of the proposal. While it is generally accepted that when the additive is a primary ingredient, as for example, antioxidant in lard and sold as such, the additive should be declared, it should not be necessary to declare it when it is not a primary ingredient, for example antioxidant present in lard which is used as an ingredient in a cake mixture. In such cases the declaration of the additives as constituents could give an unrealistic, and sometimes a misleading description of the product. It is a nuisance to a manufacturer to have to change his label if for example, he replaces a free-running salt with ordinary salt, or one containing a different free-running agent, in the product. The adoption of a "de minimis" principle in labelling to deal with traces of preservatives, antioxidants and certain manufacturers' aids, such as mineral oil, carried over from an ingredient into a compounded food would greatly facilitate the work of public analysts, make it easier for manufacturers to comply with the law and would simplify labelling from the consumer's point of view.

98. We have received oral evidence from representatives of food manufacturers and have discussed this matter with them. They represented that when a food in which a permitted preservative or antioxidant was present was an ingredient of a compounded food, then there would almost certainly be a trace of the additive in the finished product. They suggested three criteria which might be used if it was decided that these traces of additives need not be declared; the level at which it would be impossible to detect their presence analytically, the level laid down by pharmacological considerations, or the level at which they ceased to have any preservative or antioxidant effect. They suggested figures for preservatives, antioxidants and mineral oil below which the presence of these additives in a food, as a result of carry over from one of its ingredients, would not need to be declared.

99. These proposals would of course mean an important change in the existing labelling provisions. We consider however that there is a strong case for dealing with the difficulties on these lines. We *recommend* that when the amount of additive carried over is less than five per cent of the maximum amount permitted in the ingredient by the Preservatives in Food Regulations, the Antioxidants in Food Regulations or the Mineral Oil in Food Regulations, its presence in the compounded food need not be declared. We recognise that the figure of five per cent may not be appropriate in all cases. Individual limits for the operation of this exemption should be fixed after consultation with trade interests and the

authorities responsible for enforcement. We do not recommend that the principle should be extended to any other classes of food additives.

#### LABELLING OF CHEMICAL ADDITIVES WHEN SOLD AS SUCH

100. The regulations which control the use of additives in food by means of permitted lists contain provisions dealing with the labelling of the additives when they themselves are sold as such. These provisions are not always the same, but we have no criticism of the main lines of those appearing in more recent regulations.

101. The basic difference in the provisions is that a statement of the amount of the additive present in the compound as sold is required by those regulations which lay down a maximum permitted quantity of the additive in various foods; but where no upper limit is laid down, no percentage declaration is required. While we appreciate the reasons which led to the adoption of this distinction, we think there is a great deal to be said for a uniform system of labelling controlled additives, and we are also of the opinion that it must always be helpful and often important for users, especially food manufacturers, to know the proportion of the essential substance in the compound they buy.

102. We therefore *recommend* that the statutory declaration should include a statement of the proportion of the essential substance in the compound and the names of the other ingredients in descending order by weight. We also *recommend* that there should also be a declaration that the additive is of the necessary purity for use in food. The labelling of chemical additives should also conform to the requirements laid down in paragraphs 48 and 53 for the size and location of the statutory declarations, and we *recommend* accordingly.

#### VITAMINS AND NUTRITIONAL SUPPLEMENTS

103. Although vitamins and nutritional supplements may be regarded as chemical additives, they do not fall clearly into either of the categories described in paragraph 85. We think that it would be more appropriate to deal with them in our Second Report dealing with claims on labels and in advertisements.

#### MEAT TENDERISERS

104. It has been represented to us that proteolytic enzymes are being increasingly used to make meat and meat products more tender, and that labelling provisions are required. The general labelling provisions require a declaration of any chemical substances present, but we *recommend* that labelling should be required irrespective of the way in which the tenderiser has been used. We also *recommend* that tenderised meat which is not sold pre-packed should be identified by a ticket displayed on or in immediate proximity to it.

#### GENERAL

105. We should make it clear that in this report we are concerned solely with labelling and not with the question of whether additives, or any particular classes of them should be used, nor with the conditions under which they should be used. These matters are the subject of other reports and are the concern of the Food Additives and Contaminants Committee.

## CHAPTER IV: SPECIAL LABELLING PROVISIONS FOR PARTICULAR FOODS

### Section A. Intoxicating Liquor

#### PROVISIONS IN EXISTING REGULATIONS (*Articles 4(4) and 8 in L.F.O. 1953*).

106. The general requirements as to labelling of ingredients, contained in Article 4(3) of the present Order, do not apply to intoxicating liquor pre-packed for sale as such. Instead there has to be an appropriate designation of the product as defined in Article 4(4) and some additional declarations are required. These are described in paragraph 112 below.

107. The appropriate designation for intoxicating liquor is defined as follows:—

“Appropriate designation” means a name or description, being specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the product to which it is applied and in particular—

- (a) such appropriate designation shall include or be accompanied by the name of the country or countries of origin of the liquor;
- (b) geographical names which are not names for distinctive types of intoxicating liquor shall not be applied to liquor produced in any locality other than the particular locality indicated by the name; and
- (c) where any liquor is described in terms which might infer or suggest that it is a distinctive type of intoxicating liquor which has originated in a particular country or locality and the liquor is not the produce of that country or locality, the name or description shall be immediately preceded by an adjective indicating the true country or locality of origin printed in such a manner as to be substantially as conspicuous as such name or description.

108. The effect of this definition depends entirely on the meaning given to the expression “distinctive types of intoxicating liquor”. This has not been decided by the courts, but the definition implies that some geographical names are the names of distinctive types of intoxicating liquor. It seems impossible to discover any criterion—other than usage—for deciding which are and which are not and therefore the definition does not protect any geographical name which could possibly be regarded as generic, if any wine-producer in any country wanted to use it, provided he preceded it by his own country's name in adjectival form. Two important exceptions to this situation are “Port” and “Madeira” which are already protected by the Anglo-Portuguese Commercial Treaty Acts of 1914 and 1916.

109. It can be argued that the use of a geographical name for a wine which is not produced in the area indicated by the name is misleading, even if that name is qualified adjectivally by a different geographical name; that the nature and quality of a wine are due to a number of factors such as soil, climate and traditional methods which are peculiar to the district of origin and, though a wine of a similar type may be produced elsewhere, it should not be regarded as the same wine; and that wine sold as a “Ruritanian Graves” for instance, is simply not a Graves but, so long as geographical names for wines are not protected, it is not easy for those who are not experts to understand that wines of a different nature can be sold under the same name because they are of a similar type and that the adjectival qualifications are all important.

110. Against this view it may be argued, firstly, that many famous wine names derived from the geographical names of long established wine-producing areas have become generally established as the names of types of wines, and have been used unchallenged as names for wines from other countries, in the same way as Cheddar has become the name of a variety of cheese made throughout the world and no longer solely at Cheddar; secondly, that imported "must" is used to supplement the indigenous grapejuice and that imported wine is added to wines bearing geographical names; and thirdly, that it is accepted practice to fortify certain wines with spirit, and that, in this case, the process of production is at least as important as the origin of the raw materials.

111. The question of international agreement on the nomenclature of intoxicating liquors is under consideration by a Committee of Experts on the Production and Marketing of Vine Products and Spirits set up by the Council of Europe. The United Kingdom is represented on this Committee which we understand is trying to work out a system for the protection of geographical names of wines and spirits that will be acceptable to producing and consuming countries. Meanwhile, under the general provisions of the Food and Drugs Act 1955, it could be argued that the sale of a wine from an area other than from the geographical location giving its name to wine of that location, in response to a request for "a wine from that location", would be "not of the nature, or not of the substance, or not of the quality demanded". In view of this and of the efforts being made to secure international agreement on nomenclature we do not recommend any changes in the present provisions of the Labelling of Food Order on the use of geographical names. The country of origin, of course, has already to be declared by the present Labelling Order.

#### ADDITIONAL DECLARATIONS

112. Under the present Order, all intoxicating liquor except beer, cider, perry and wine made exclusively from grapes has to bear an additional declaration. Undistilled fermented liquor, if not made exclusively from grapes, has to carry a declaration of its fruit base and alcohol content, and undistilled fermented liquor which is not derived wholly or partly from fruit must bear the words "not made from fruit" and its alcohol content (the alcohol content may be expressed as either "per cent alcohol by volume" or "per cent proof spirit" as the case may be). Brandy, gin, rum and whisky, of less than 65 per cent proof spirit, must bear their alcohol content preceded by the words "diluted with water to not less than X" ("X" to be expressed as either "per cent proof spirit" or as degrees proof followed by "proof"). All other intoxicating liquor must declare its alcohol content in the words "not less than ..... " and expressed either as "per cent alcohol by volume" or "per cent proof spirit", save that, for brandy, gin, rum and whisky of not less than 65 per cent proof spirit and any other intoxicating liquor of not less than 40 per cent proof spirit a simple declaration expressed as "X degrees proof" is sufficient. All these declarations, except "X degrees proof", have to be included within a surrounding line with a contrasting background, and the declaration has to be in letters  $\frac{1}{2}$  inch in height except on bottles smaller than the normal half-bottle size when it may be  $\frac{1}{12}$  inch.

113. It will be noted that the alcohol content has to be declared in varying ways. "Per cent proof spirit" or alternatively "X degrees proof" is a method of measuring alcohol content by expressing the amount of alcohol in a liquor as a percentage of the amount of alcohol in a standard known as "proof spirit". This

standard is spirit which at 51° Fahrenheit contains 57.06 per cent alcohol by volume. Thus a liquor of 50 degrees proof or 50 per cent proof spirit contains half as much alcohol as the standard "proof spirit" that is to say 28.53 per cent alcohol by volume. We have considered whether this method of describing alcohol content should be changed and all declarations be made in percentage alcohol content by volume. Percentage alcohol content is a simple method to understand and, we believe, is widely used on the Continent. We think this would be a sensible change and therefore *recommend* that it should be made. We also *recommend* that these declarations should be in the same size and type as we have recommended in paragraph 48 for lists of ingredients.

#### FURTHER LABELLING PROVISIONS FOR INTOXICATING LIQUOR

114. Article 8 of the present Order contains a number of further provisions. Intoxicating liquor not made from grapes must not be sold in any way which implies that it is a wine made from grapes. In the case of a "wine" made wholly or partly from fruit other than grapes their names in identical lettering have to be placed in front of the word "wine". A drink sold as a sweetened liquor must be sweetened only by the addition of sucrose, dextrose or invert sugar. Cider and perry that have been artificially aerated must not be described by any name or words that imply that they resemble champagne, or are substitutes for it, or have the character of it. The name, "brandy", "rum", "gin" or "whisky" must be preceded by the word "diluted" when the alcohol content is less than 65 per cent proof.

115. Ideally the term wine should only be applied to products made from freshly gathered grapes. Fermented products made wholly or mainly from "must" (preserved grape juice) or dried grapes would more accurately be described as "imitation wine" or by some comparable term. There are also a number of fermented products made in a traditional manner with bases other than grapes, such as "parsnip wine". We recognise however that it would be difficult to change long-established practice and not necessary to do so in respect of such products and therefore do not recommend any change in the present provisions.

116. We consider that Article 8 should be amended to prevent the use of the adjective "champagne" to describe cider or perry which has undergone secondary fermentation. The word "champagne" should be used exclusively for wine coming from the Champagne district of France. The judgment in the case of J. Bolinger v. Costa Brava Wine Co. Ltd. has effectively brought this about for wine itself and we *recommend* that the use of the word "champagne" or any word that implies or suggests it should be prohibited in reference to cider and perry. "Sparkling" should be used when cider and perry have undergone secondary fermentation and "aerated" when they have been artificially aerated.

117. We have received a representation that the word "cocktail" should be permitted to be substituted for the word "diluted" for gin of less than 65 per cent proof spirit. We do not agree. "Diluted" is clear and indicates the true facts. The word "cocktail" already has a wide variety of meanings and we do not think there would be any advantage in its use in this context.

118. We considered whether there was evidence of any significant increase in the sale of cocktails of unduly low alcohol content since the revocation in 1958 of Article 8(d) which prevented, with certain exemptions, the sale of cocktails containing less than 40 per cent proof spirit. We have found little evidence of this and unless any significant change occurs we do not recommend the re-

introduction of the former minimum standard, nor do we think that such drinks should in future have to carry a declaration of their ingredients.

119. We have considered the use of the word "vintage" in the names of cider. This word, we understand, was originally employed in this way to mean a cider at least three years old or one of a strength in excess of 15 per cent proof. It is now also used to mean a cider of a superior quality, strength or taste. This use of the word is misleading, and we *recommend* that it should stop; cider below 15 per cent proof spirit should be simply denominated "cider", but if its strength is above 15 per cent proof spirit it should be permitted to be described as "apple wine".

120. We have considered representations that the original gravity of beer should be declared on the labels of bottled or canned beer. Beer is made by the fermentation of an aqueous extract of malted grain known as a "wort". The original gravity of beer is the specific gravity of the "wort" before fermentation. Excise duty is levied on the original gravity of beer and therefore the determination of this figure for beer is important for revenue purposes. We do not think that this information would help consumers to assess the relative merits of different beers, as their quality depends on a number of factors besides original gravity.

## Section B. Other Foodstuffs

ICE CREAM. (*Article 6A in L.F.O. 1953*).

121. The present provisions prohibit the labelling, marking or advertising of ice-cream to suggest that it is a dairy product, unless it contains only milk fat (with some minor exceptions for fats introduced from the other ingredients); skim milk solids may be declared; pre-packed ice-cream containing fat other than milk-fat must be labelled "contains non-milk fat" or "contains vegetable fat". We think these provisions are satisfactory and by now well understood by consumers. We therefore do not propose any amendment to these provisions, except that, as a corollary to our recommendations in paragraph 73 pre-packed ice-cream containing fat other than milk-fat should be labelled "contains edible vegetable fat" or "contains edible non-milk animal fat" or both, as the case may be.

CANNED OR FROZEN PEAS. (*Article 7(1) in L.F.O. 1953*)

122. It has been suggested that the present provisions, which require that the word "processed" should always appear before the word peas wherever it appears on the labels of canned and frozen peas which have been dried, soaked or otherwise processed before canning or freezing, are too restrictive. We agree, and *recommend* that, in the list of ingredients, "dried" and "soaked" should be allowed as alternatives to "processed".

ACETIC ACID. (*Article 7(2) in L.F.O. 1953* )

123. This Article makes special provision for the labelling of this product including a warning as to its possible dangers. We believe that the present requirements have worked satisfactorily and can see no special reason for any change in this Article.

COFFEE AND COFFEE MIXTURES. (*Article 7(3) in L.F.O. 1953*)

124. This Article requires any pre-packed coffee mixture sold as "french coffee" to have the words "coffee and chicory mixture" immediately following and

substantially as conspicuous as "french coffee", and "viennese coffee" must be similarly followed by the words "coffee with fig seasoning" or "fig flavouring".

It has been suggested that other liquid or dried preparations are not covered by the present wording of the paragraph and therefore we *recommend* that there should be appropriate designations for all varieties of coffee and coffee products as in the following table.

## COFFEE AND COFFEE PRODUCTS

### APPROPRIATE DESIGNATIONS

Green, roasted or ground coffee beans	Dried extracts of coffee	Liquid extracts of coffee
I. <i>Coffee without admixture</i>		
Coffee	Instant coffee (soluble solids of coffee)	
II. <i>Coffee mixture</i>		
Coffee and chicory mixture (French coffee)	Dried extract of coffee and chicory	Liquid extract of coffee and chicory
Coffee and fig mixture (Viennese coffee)	Dried extract of coffee and fig	Liquid extract of coffee and fig
	Dried decaffeinated coffee extract	Liquid decaffeinated coffee extract
Coffee and X mixture	Dried extract of coffee and X	Liquid extract of coffee and X

125. We have considered the practice which has grown up during the past twenty years and become common of using the designation "instant coffee" for soluble solids of coffee, with or without additions of up to 5 per cent. of finely ground coffee and, sometimes, flavouring materials. We have also considered the modern use of the word "instant" as an adjective in food designation. There are, for example, "instant postum" and "instant whip", where the adjective appears to mean products which can be readily made by the addition of liquid for immediate consumption. On the other hand, there are, for example, "instant coffee", "instant tomato cocktail", "instant apple flakes", "instant tea", "instant tomato puree" and "instant milk". For these products, the word "instant" has two meanings; it connotes not merely that the addition of liquid will quickly produce a foodstuff but secondly that the foodstuff so produced is the actual product named with the qualification of the word "instant". Whereas the first group (postum and whip) consists of compounded powders of food, the second group consists of liquid or semi-liquid foods which have been dehydrated. We think therefore that for the latter products the word "instant" is only justified if first of all there is a quick reconstitution and secondly the article when reconstituted is what it was before dehydration.

126. Although these are highly regarded products, we are not satisfied that in all cases the second criterion is achieved. "Instant coffee" makes a pleasing

drink but the reconstitution is not the equivalent of the coffee drink made from ground coffee beans. The word "instant" is sometimes used indiscriminately as a synonym for "dehydrated" and without guarantee that the strict criteria we have laid down prevails. We *recommend* therefore that the word "instant" should not be used as an adjective in the designation of foods. Dried foods should be named as such. We would not object, otherwise, to the use of the word "instant" in connection with a food to convey the property of immediate assimilation with a liquid and that meaning alone.

127. We have received representations from manufacturers of "instant coffee" that because of its common usage for a number of years it should continue to be permitted as a clear exception to the above rule. We accept these representations and *recommend* that where the description "instant coffee" is used, the product should also declare its ingredients as soluble solids of coffee together with any other ingredients. When the extract has been sweetened, however, the word "sweetened" should be added to the appropriate designation.

128. We *recommend* that there should be a further provision laying down that no product should be described as "dandelion coffee" unless it is made exclusively from the dandelion root.

#### MARGARINE (*Article 7A-7AE in L.F.O. 1953*)

129. The present article prescribes the use of the word margarine in conjunction with brand and descriptive names, and controls the wording of claims of the presence of dairy products in margarine and general references to butter and other dairy products in connection with the sale of margarine.

130. This control of general references extends to brand and descriptive names and to pictorial devices, whether on the label or ticket on the margarine or in an advertisement, but not to verbal descriptions of the product. This seems an anomaly and we *recommend* that verbal descriptions should be controlled in the same way as in the Skimmed Milk with Non-Milk Fat Regulations 1960.

131. At present, a tolerance with regard to the permitted declaration of the presence of butter is laid down in the following terms: "No offence shall be deemed to be committed... in relation to a figure stated as the percentage of butter if such figure does not depart by more than two from the actual percentage." The maximum amount of butter allowed to be added to margarine is 10 per cent so that the effect of this provision is that a manufacturer could add no more than 8 per cent, a difference of one-fifth in butter content and still declare the presence of 10 per cent. This provision was no doubt intended to take account of the analyst's difficulty of estimating the amount of butter present because of the wide variations in its composition, but we *recommend* that the provision be deleted and the matter dealt with by analysts who will allow for the difficulties of precise analysis in the normal way.

132. The present Article 7A contains very detailed provisions as to the height of the lettering of the word "margarine" when used in conjunction with a brand or descriptive name. The size of lettering will be partly controlled by the recommendations we have made in paragraph 48 of this report and we *recommend* that these should be reinforced by a provision that all the letters of the word "margarine" should be of one colour and should not be smaller than the letters of the brand or descriptive name.

## DRIED MILK, CONDENSED MILK AND SKIMMED MILK WITH NON-MILK FAT

133. We have considered the labelling provisions of these regulations and do not think any general revision is required. We have already made proposals on the labelling of dried milk in our report on that subject which was published in 1962. Regulations for dried milk have recently been made (S.I. 1964 No. 857).

## SALAD DRESSING

134. The Food Standards (Salad Cream and Mayonnaise) Order, 1945 (S.R. & O. 1945, No. 1177) applies not only to salad cream and mayonnaise but to any other salad dressing unless the product is labelled with the following disclaimer: "This product is not a salad cream or mayonnaise and does not comply with the statutory standard for those products." This disclaimer has caused difficulties since "clear dressings" which do not contain any egg, such as those known as "French dressings", would appear to have to print the disclaimer though they are obviously a different kind of product from salad cream and mayonnaise.

135. We think that this is unnecessary; we are further not in favour, as a general principle, of products being able to escape standards by means of disclaimers; the nature of the products to which the standard does apply should instead be more clearly defined. We therefore *recommend* that the disclaimer should be omitted from the Order and a definition of salad cream and mayonnaise should be inserted in some such terms as: "A smooth, thick, stable emulsion of a vegetable oil, water and egg with or without the addition of vinegar, lemon juice, salt, spices, sugar, milk or other minor ingredients."

## FISH AND MEAT PASTE

136. The nomenclature for fish and meat paste, about which there is confusion, was specifically referred to us. At present, under the voluntary Codes of Practice (C.P. 3 and 23), fish or meat paste containing, as to the fish or meat content, only the named fish or meat is described as "X paste" while fish or meat paste containing fish or meat other than the named fish or meat ("X") is described as "fish paste X" or "meat paste X". This is a confusing system and we doubt if many consumers are aware of the difference between, for example, "Salmon Paste" and "Fish Paste: Salmon". Consumers are further confused by the practice adopted by some manufacturers of varying the size and prominence of some parts of the common or usual name or appropriate designation on their labels.

137. There are also compositional regulations for fish and meat pastes, in the Food Standards (Fish Paste) Order, S.I. 1951, No. 1456 and the Food Standards (Meat Paste) Order, S.I. 1951, No. 1457, which prescribe that only products containing a minimum percentage of the named fish or meat—70 per cent in the case of fish and 55 per cent in the case of meat—may be described as "X" paste or "X" spread. These regulations prescribe minimum standards, and most of the fish and meat paste products currently on sale are also governed by compositional standards contained in the voluntary Codes of Practice.

138. The fish and meat paste industry has, in recent years, considerably increased its range of products and, whilst the Codes of Practice have worked well—and have been agreed with those responsible for enforcement of food and drugs legislation—we now consider that it is time to distinguish between these products by clearer nomenclature.

139. We have discussed these matters with representatives of the fish and meat paste trade, including manufacturers of both the hermetically sealed pre-packed products and the open pack pastes. We deal with the latter in paragraphs 143 to 147.

140. In our view in the absence of comprehensive standards, it will assist consumers if a clear nomenclature is laid down for all types of paste, and we *recommend* as follows:

- (i) products containing not less than 95 per cent of the named fish or meat and no binder may be described as "potted X";
- (ii) products containing less than 95 per cent and not less than 70 per cent of the named fish, or 55 per cent of the named meat must be described as "X spread";
- (iii) products containing less than the amounts of the named fish or meat laid down in (ii) above, but conforming to the standard in the existing Codes of Practice must be called "X paste";
- (iv) products containing not less than 70 per cent of the named meat minced in jelly may be described as "minced X in jelly".

141. The practice of adding butter to some of these products has been a fairly recent development and we have discussed this also with the trade. We have been told that approximately 8 per cent of the solid content of the product is butter and that this percentage is self-limiting. If more were to be used the butter would tend to separate from the fish or meat content during storage. We think that this type of product also should be clearly labelled and therefore *recommend*:

- (i) where a product is described as "Potted 'X' with Butter", the amount of butter used should be not less than 8 per cent of the total solids content, and the total solids content (i.e. the butter and the named fish or meat) should be not less than 98 per cent of the product.
- (ii) where products we have defined as spreads are described as "X spread with butter", the amount of butter used should not be less than 8 per cent and should be in addition to the amount of named fish (70 per cent) or meat (55 per cent).

142. In view of the fact that we have recommended in paragraph 62 that these products should in future carry a declaration of their ingredients, we *recommend* that "white fish" should be permitted as a generic term on labels of fish pastes defined in paragraph 140 (iii). All other types of fish should be named specifically.

#### OPEN-PACK PASTES

143. We have received evidence from manufacturers of open-pack fish and meat pastes, which are sold mainly in the North of England. These products have a long history of local usage and nomenclature and nowadays are almost wholly confined to Beef and Salmon products.

144. The manufacturers of the open-pack paste products have the following voluntary code of practice.

1. "Potted Meat" should contain no cereal.
2. "Potted Meat" should in all cases contain not less than 90 per cent meat.
3. "Potted Meat Paste" is a true and in no way misleading description when applied to a meat paste which contains cereal or other binder and not less than 55 per cent meat in accordance with the Statutory Order and when offered for sale in a pot or dish.

This code has not been agreed with enforcement authorities, although they are aware of its existence.

145. Since these products are known by many different names in different localities and we have no wish to upset local tradition we see no objection to this practice continuing by way of secondary names provided they are not false or misleading.

146. The open-pack products generally known as Potted Beef and Potted Salmon would conform broadly to the Standards we have recommended for the closed-pack variety in paragraph 140 (i), and open-pack Potted Beef Paste and Fish Paste—Salmon conform to the regulations contained in Statutory Instruments, 1951, Nos. 1456 and 1457. We think that these products should be subject to the same standards as the closed-pack varieties. It has been represented to us that the open-pack potted product requires a higher moisture tolerance to allow for seasonal variations in temperature. We have considered this but do not think that a case has been established for a different standard. We therefore *recommend* that only those products containing not less than 95 per cent of the named fish or meat and no binder may be described as "potted X".

147. Since we have recommended in paragraph 62 that pre-packed fish and meat products should no longer be exempt from carrying a declaration of ingredients, we see no justification for the open-pack products to be exempt. We have dealt in paragraph 81 with the need, on non-pre-packed goods, to display a ticket in close proximity to the article for sale giving the consumer certain basic information. We therefore *recommend* that, where open-pack fish or meat products are offered for retail sale, a display ticket stating the common or usual name or appropriate designation and a declaration of ingredients should be prominently displayed in close proximity to the product.

#### FURTHER RECOMMENDATION ON MEAT CONTENT

148. During our discussions of fish and meat pastes we have concluded that there is no satisfactory reason why there should continue to be different statutory compositional standards for fish paste and meat paste. We therefore *recommend* that the minimum amount of meat in a meat paste should be raised to 70 per cent.

149. Our proposals with regard to these products are designed to serve immediately and for the future, but we express the view that as soon as possible the standards of these, and other products with which the foregoing paragraphs deal, be subjected to comprehensive review.

#### EGGS

150. It was suggested that the containers for pre-packed eggs should carry the grade description as part of the appropriate designation, and that eggs should be described as "hen eggs" or "duck eggs". Further representations, however, questioned whether a special provision was necessary to clarify the appropriate designation for eggs.

151. When pre-packed eggs have been graded it is important that the grade should be indicated on the container. But we do not think that there should be any statutory requirement for this, because in certain circumstances pre-packed eggs are allowed to be sold ungraded.

152. In our view, the word "eggs" without qualification is normally understood to mean hen's eggs, just as the word milk is normally understood to mean cow's milk. A qualifying adjective is only required for eggs other than hen's eggs.

#### FISH (C.P.2)

153. It has been suggested to us that there is probably more confusion about the proper nomenclature of fish than about that of any other simple uncompounded food. We think that a list of prescribed names would be of value in helping to prevent "passing-off" and in reducing the present confusion caused by the use of many alternative names, some of which are misleading. We have prepared a tentative list of names to be used for fresh and pre-packed fish in Appendix C. Our sources have been the list of recommended names published by the White Fish Authority in January 1959, the names in the glossary of the Yearbook of Fishery Statistics published by the Food and Agriculture Organisation of the United Nations, and the views of the White Fish Authority, the British Museum (Natural History) and the Fisheries Department of the Ministry of Agriculture, Fisheries and Food have also been taken into account.

#### CANNED SALMON

154. The labelling of Canned Salmon was specifically referred to us by Government Departments. We took oral evidence on this matter from the National Federation of Wholesale Grocers and Provision Merchants, the National Federation of Grocers' and Provision Dealers' Associations, the Canned Fish First Hand Distributors and the London Chamber of Commerce.

155. There are five varieties of Pacific Salmon which are sold canned in this country. We *recommend* that the following appropriate designations should be prescribed for the various species of salmon when canned for retail sale.

<i>Scientific Name</i>	<i>Retail Name</i>
Oncorhynchus Nerka:	Red Salmon
Oncorhynchus Kisutch:	Medium Red Salmon
Oncorhynchus Tschawytscha:	Spring Salmon
Oncorhynchus Gorbuscha:	Pink Salmon
Oncorhynchus Keta:	Chum Salmon

While we do not object to the use on labels of alternative species names, such as Sockeye or Coho, we do not think these should be used as part of the appropriate designation. We *recommend* that when the salmon has been frozen before canning the word "Frozen" should be added to the appropriate designation.

156. We have considered whether any control is necessary of the use of words such as "Choice", "Extra" and "Fancy". These words are often legitimately used to indicate grading carried out in the country where the fish is canned. We do not recommend that their use in this country be controlled by regulations.

#### SOFT DRINKS

157. Soft drinks have been the subject of recent compositional regulations containing labelling provisions. We do not, therefore, suggest any further special provisions beyond those recommended in our report on Soft Drinks and prescribed in the Soft Drinks Regulations 1964 (S.I. 1964 No. 760). We do however believe that the use of the adjective "non-alcoholic" before the name of a drink that is traditionally regarded as alcoholic, such as "non-alcoholic wine", is a contradiction in terms and is misleading as to the nature of the drink. The

decision of the Divisional Court in *Kat v. Diment* makes it probable that the expression "non-alcoholic wine" would be regarded as offending against Section 2 of the Food and Drugs Act 1955, but since this case was taken under the Merchandise Marks Act, 1887, and referred to a "false trade description" the matter is not free from doubt. We *recommend* that it should be made an offence to describe any soft drink as "non-alcoholic X" where "X" is the name of a drink that is traditionally regarded as alcoholic.

158. We have considered another problem which arises from the use of the term "non-alcoholic". We understand that this term is at present used for the purposes of Customs and Excise regulations to indicate the presence of not more than 2 per cent proof spirit. Medical authorities, however, are of the opinion that a drink containing between 1 and 2 per cent proof spirit could affect certain people. We recognise that it is difficult to produce a drink of a certain type that is absolutely free from alcohol and we see no objection to the practice of labelling such drinks (but not drinks we have dealt with in paragraph 157) as "non-alcoholic". We think, however, that the amount of alcohol in such drinks should be as low as possible. We *recommend* that the term "non-alcoholic" should be reserved to those products which contain not more than 1 per cent proof spirit, and that above this figure the percentage alcohol content of the drink should be declared in accordance with our recommendations in paragraph 113.

159. We have considered in addition to the provisions of the Soft Drinks Regulations whether any part of the Code of Practice for Soft Drinks (C.P.5/2) should be given statutory force and we have concluded that, apart from recommendations already made in our Report on Soft Drinks, the only additional prescription necessary is that the words "ready-to-drink", or words such as "to be diluted" indicating that the drink is intended for use with water, whichever is appropriate, should appear on the labels of soft drinks.

#### MILK IN BISCUITS

160. We dislike the provision in the present Code of Practice on biscuits (C.P. 20) which permits the use of the word "milk" when only skimmed milk has been used. We *recommend* that the use of the word "milk" unqualified, in all descriptions of products or ingredients of products where it refers at all to cow's milk, should only be permitted if whole milk has been used in the manufacture of the product. We *recommend* that similar provisions to those relating to bread in the Bread and Flour Regulations 1963 prescribing descriptions for milk and skimmed milk when used in bread, which indicate the distinction between them, should be introduced for biscuits.

#### CREAM

161. It has been suggested to us that special provision should be made to distinguish between different types of cream and it has also been proposed that if cream is subjected to any additional process of heat treatment, this fact should also be stated on the label. While we agree in principle that it would be sound practice to distinguish between different types of cream in a clearer manner than that at present laid down by the Food Standards (Cream) Order 1951, we do not think pasteurised cream could be defined properly without limits of heat treatment being laid down. It would not be appropriate to do this in labelling regulations. We therefore *recommend* that consideration be given to laying

down limits for the heat treatment of cream either in revised compositional regulations or special heat treatment regulations. When this has been done, appropriate labelling provisions can be formulated.

#### LIQUID GLUCOSE (HYDROLYSED STARCH)

162. It has been brought to our attention that some confusion exists in the public mind between liquid glucose (hydrolysed starch) and glucose (dextrose). The difficulty in distinguishing between these substances has been made more difficult by the nomenclature adopted by manufacturers. These two products are very different from each other and it is important that consumers should be made aware of this. We have received evidence from the manufacturers of liquid glucose and its users in the food trade in favour of standardised nomenclature.

163. The British Pharmaceutical Codex clearly distinguishes between liquid glucose, which has its own monograph and glucose which is listed as dextrose and dextrose monohydrate. In the United States of America and certain European countries the term that has gained widest acceptance as a synonym for hydrolysed starch is "glucose syrup".

164. We are satisfied that the term glucose, that is to say dextrose, is clearly understood by consumers. For liquid glucose, we think that the nomenclature which has already gained wide acceptance elsewhere should be used. We therefore *recommend* that where liquid glucose is used, and it is necessary to state this fact on labels, it should always be called "glucose syrup".

### Section C

#### MISCELLANEOUS MATTERS

165. We have also considered several miscellaneous matters in connection with the labelling of food which have not, at present, any specific reference in current legislation. Some of these are dealt with below.

166. *Pet Food.* The great increase in the sales of canned food for domestic pets had led us to consider whether these products should be labelled "unfit for human consumption". In view of the many varieties of pet food on the market and also of the hygienic conditions under which some of them are prepared, it would, in our view, be wrong to insist upon such a clear statement without a long and detailed examination of all the types of pet food at present on sale. It was however brought to our attention that certain pet foods have been described as "fit for human consumption". We feel that this is not to the advantage of a prospective purchaser and we therefore *recommend* that the use of the words "fit for human consumption" should be forbidden to describe food produced and sold for pets.

167. *Date Marking.* We have considered whether the date of manufacture, packaging or despatch should be indicated on all pre-packed foodstuffs. This is an attractive proposition which would, it is claimed, enable both retailers and consumers to determine quickly and easily whether foodstuffs are fresh or likely to be fit to eat. In our view, however, such a requirement is not practical, since so much depends not on the date the product was made but on the quality and freshness of the food from which it was prepared or on the conditions under which it is transported or stored. In certain cases a date stamp might give purchasers a sense of security which is not justified by the conditions under which the food has been kept since manufacture. The Food and Drugs Act gives

adequate protection to anybody who considers that the food purchased is not of the nature, substance or quality demanded by him and we therefore make no recommendation regarding date marking of pre-packed foodstuffs.

168. *Vending Machines.* There is a growing use of the sale of food and drink from vending machines and we have considered whether any special consideration should apply to this form of sale. We see no difference in principle from the consumer's point of view between sale from a machine and sale from a shop and the requirements to safeguard the consumer seem to us to be the same in each case. Since the purchaser will wish to know the nature of the product he is purchasing it is necessary for the information to be available to him before actual purchase. We therefore *recommend* that the contents of food vending machines should be clearly indicated on the machine.

169. *Labelling of Pre-packed Faggots.* We have considered the requirements as to declaration of ingredients for faggots (or savoury duck as this product is sometimes called). The ingredients are usually meat of various kinds, rusk, herbs and seasoning. We consider that it would be sufficient for this product to use the generic term "meat" in the declaration of ingredients, and we *recommend* accordingly.

170. *Misleading Practices.* Many cases of alleged misleading practices have been brought to the notice of the Committee, as well as such matters as the correct labelling of added vitamins and nutritional supplements. Many of these matters are concerned with claims made for products and we therefore intend to deal with them in our report on claims made on labels and in advertisements.

171. *Transparent Wrapping Materials.* We have received representations that transparent film wrappers, or wrappers carrying a picture of the food they contain should not be required to state the common or usual name or appropriate designation of the food. We do not consider that such wrappings are in any way different from other materials used to pre-pack food, and we therefore reject this representation.

172. *Prices.* It has been represented to us that labels should contain the current price of the food. We do not think that this is a proper matter for consideration under our terms of reference and we therefore make no recommendations on it.

173. *Compositional Standards.* As well as considering the points put to us by Government Departments and the representations received, we have looked at all the Codes of Practice issued by the Ministry of Food in Appendix E of their booklet entitled "Advertising, Labelling and Composition of Food" (H.M.S.O. 1949), and not subsequently cancelled, and those issued independently later, to see if any of their provisions ought to be given statutory force. We think that the revision of all the Codes that have not been superseded by regulation should be undertaken as soon as possible to bring them into line with current requirements. Those most urgently in need of revision appear to be the Codes on Salt (C.P.11), Malted Milk (C.P.16) and Biscuits (C.P.20). We think that the Code on Malted Milk might well be extended to cover similar products.

174. Canned soups, which are dealt with in C.P.4, should be the subject of special labelling provisions, but we do not think we can recommend any such provisions until the question of compositional standards for canned and powdered soups has been considered. We therefore suggest that consideration

of the subject of compositional standards for canned and powdered soups should be undertaken in the near future.

175. *Labelling of Intensively Produced Food.* It has been suggested that foods which have been produced by intensive methods of animal production, such as eggs from hens kept in batteries, meat from broiler calves and chickens reared in batteries should be declared for what they are. We understand that a section of public opinion feels a repugnance at eating products emanating from such conditions of livestock husbandry involving, it is alleged, cruelty to animals. Opinions differ as to whether these practices are cruel or not and we do not think it is part of our duty to consider this aspect. Ministers have recently appointed a Committee to look into these matters.

176. On the question whether special labelling requirements for these products are necessary, there is the practical difficulty that there is no precise formula by which they could be identified. We do not therefore make any recommendations on this matter.

177. *Hydrolised Protein.* One particular problem that has been drawn to our attention is the labelling of hydrolysed protein. This is often manufactured by the acid hydrolysis of vegetable protein followed by neutralisation. As hydrochloric acid is used for the hydrolysis the product of subsequent neutralisation with sodium carbonate is common salt and the question arises whether common salt should be declared as an ingredient. We recommend that the salt, which is present in appreciable quantities in hydrolysed protein, ought to be declared, though we would confine this recommendation to hydrolysed protein when sold as such. We also think that the appropriate designation of hydrolysed protein should always be either "hydrolysed animal protein" or "hydrolysed vegetable protein".

178. *Other Requests for Special Provisions.* Representations for special provisions have also been received in respect of sausages, butter, cheese, canned fruit and jam products. We do not recommend special provisions in any of these cases. We do not think the declaration of meat content on sausages, which has been requested, would be helpful; what is required is a compositional standard. We have already recommended this in our report on sausages which was published in 1956. Complaints have been made of the use of British names for wholly imported butter, but this is already adequately controlled by the Merchandise Marks Acts. Recommendations on the labelling of cheese have already been made in our report on hard, soft and cream cheeses which was published in 1962. We do not think that it would be helpful to the consumer to require, for fruit canned or jam made in the United Kingdom, an indication of origin of the raw materials when they are imported, as has been suggested. If, however, such a provision were considered to be desirable we think it should be done by an amendment to the Merchandise Marks Act, 1926 and not by a special provision in the Labelling of Food Order.

## CHAPTER V: SUMMARY OF RECOMMENDATIONS

### General Provisions. Chapter II, Section A.

1. There should be a definition of the word "container" where it applies to food. (Paragraph 17.)

2. Any new labelling regulations should contain definitions for Chocolate, Chocolate Confectionery, Flour Confectionery and Sugar Confectionery. (Paragraph 18.)
3. There should be clear labelling on both outer and inner labels. (Paragraph 20.)
4. Exemptions from the recommendation in paragraph 20 should be allowed for (a) foods to be used at one time and (b) tea-bags. (Paragraphs 21 and 22.)
5. We recommend that the use of a registered trade mark should no longer be allowed as an alternative to the name and address of the labeller or packer. (Paragraph 23.)
6. Retailers who pre-pack food should no longer be exempt from the requirement to state their name and address. (Paragraph 24.)
7. All foods should bear a declaration of their common or usual name or appropriate designation. (Paragraph 25.)
8. Where a food has, at present, no common or usual name, we recommend that a trade name which has been in use for more than fifty years may be used as the common or usual name. (Paragraph 27.)
9. There should be no exemption from our recommendation in Paragraph 25 for retailers who pre-pack food on their own premises. (Paragraph 28.)
10. The ingredients and constituents in a food should be listed in the order present when the food was first compounded. (Paragraph 32.)
11. We recommend exceptionally that canned or frozen mixed vegetables may use labels showing the ingredients in alphabetical order. (Paragraph 33.)
12. We recommend the form in which ingredients of dehydrated foods should be declared. (Paragraph 35.)
13. We recommend that there should be no exemption from full labelling of foods sold as a meal. (Paragraph 36.)

#### **Size and Location of Declarations. Chapter II, Section B.**

14. Declaration of common or usual name or appropriate designation and list of ingredients should be in minimum point size of type in relation to the surface area of the container. (Paragraph 48.)
15. Common or usual name or appropriate designation should be of uniform type and colour (Paragraph 49) but, where the declaration consists of more than one word some variation of size is envisaged. (Paragraph 50.)
16. Declaration of Ingredients should be printed in Roman Serif type, upper and lower case and be headed by the word "Ingredients" in type size at least two points larger. (Paragraph 51.)
17. We recommend that the statement of ingredients should be either enclosed by a surrounding line or printed in bold type in black on a white panel. (Paragraph 53.)
18. The concession for foods of less than  $\frac{1}{2}$  oz. or  $\frac{1}{2}$  fluid oz. to print only as much of the statutory information as is possible on the label should now be withdrawn. (Paragraph 54.)

#### **Exemptions. Chapter II, Section C.**

19. We recommend that exemption from general labelling requirements should be given only to liquid cow's milk. (Paragraph 58.)

20. There should no longer be any exemption from the requirement to state the name and address of the labeller or packer. (Paragraph 59.)
21. Where foods are subject to a statutory standard covering the whole or almost the whole composition, we recommend that there should be an exemption from the necessity to declare the ingredients. (Paragraph 61.)
22. There should be no requirement to declare the constituents of ingredients where (a) the ingredients—if sold as individual foods—would not so have to declare and (b) when the ingredients are used as part of a compounded food (Paragraph 67.)
23. We recommend that where ingredients are declared, instead of constituents, it should be by the common or usual name which would apply had they been sold as individual foods. (Paragraph 68.)
24. We recommend that there should be no change in labelling requirements for Condensed Milk. (Paragraph 70.)

#### **Generic Terms and Names of Varieties. Chapter II, Section D.**

25. We recommend the continuation of generic terms in the declaration of ingredients for fish and imitation cream, and the use of two generic terms for edible starch. (Paragraph 72.)
26. We recommend that deodorised fatty oils should carry a declaration whether they are of animal or vegetable origin; we recommend continuance of a generic term for herbs and spices (where they do not form more than 1 per cent of the food concerned). (Paragraph 73.)
27. We recommend the discontinuance of generic terms for dried fruit and nuts. (Paragraph 74.)
28. We recommend generic terms for edible gums and fruit acid; the generic term “cheese” should be confined to its use as an ingredient in cheese spread. (Paragraph 76.)
29. Food sold to a retailer should be labelled in accordance with the general provisions. (Paragraph 77.)
30. For certain foods sold non-pre-packed, we recommend that certain information be given on a display ticket on or in immediate proximity to the food. (Paragraph 81.)
31. We include meat and fish pies in the recommendation in paragraph 81 but specifically exempt confectionery. (Paragraph 82.)
32. We do not consider it necessary to require frozen fish to be specially marked when offered for retail sale. (Paragraph 83.)

#### **Chemical Additives. Chapter III.**

33. We recommend that additives used as processing or manufacturing aids should be declared in the list of ingredients; the use of a generic term should be allowed where there is a statutory permitted list. (Paragraph 86.)
34. The addition of preservatives, antioxidants, colours, artificial sweeteners, bleachers, improvers or flavourings should be specially declared. (Paragraphs 88 and 89.)
35. The presence of bleachers and improvers in pre-packed flour should be specially declared, but bread need not carry such a declaration. (Paragraph 90.)

36. We make similar recommendations for flavourings, including the necessity to distinguish whether they are natural or synthetic. (Paragraph 91.)
37. Only raw fruit and vegetables, bread, flour confectionery, sugar confectionery and chocolate confectionery should be exempt from bearing a special declaration of additives. (Paragraph 92.)
38. Non-pre-packed foods should bear the special declaration of additives. (Paragraph 93.)
39. Where a permitted preservative, antioxidant or mineral oil is present in a compounded food by reason of a carry over from one of the food's ingredients, it is not necessary to declare its presence, provided it is not present in the compounded food in excess of a specific amount. (Paragraph 99.)
40. We recommend that the label on a chemical additive being sold as such should contain a statement of the proportion of the essential ingredient and the names of other ingredients in descending order of weight and should include a statement of the purity of the product. (Paragraph 102.)
41. The addition of proteolytic enzymes (tenderisers) to both pre-packed and non-pre-packed meat should be declared. (Paragraph 104.)

#### **Intoxicating Liquor. Chapter IV, Section A.**

42. The declaration of alcohol content in intoxicating liquor should be made in terms of percentage alcohol content by volume. (Paragraph 113.)
43. We recommend that there should be a prohibition on the use of the word "Champagne" in reference to cider or perry. Cider or perry which has undergone a secondary fermentation should be described as "sparkling" and if it has been artificially aerated it should be described as "aerated". (Paragraph 116.)
44. The use of the word "vintage" should be confined to description of wines. Cider which is below 15 per cent proof spirit should be denominated "cider"; above this figure it should be permissible to describe the cider product as "apple wine". (Paragraph 119.)

#### **Other Foods. Chapter IV, Section B.**

45. We recommend that ice-cream, containing fat other than milk fat, should carry on its label a declaration whether the fat is of vegetable or animal origin. (Paragraph 121.)
46. It should be permissible to describe as "dried peas" or "soaked peas", the ingredients of canned or frozen peas which have been processed. (Paragraph 122.)
47. We recommend the adoption of stricter nomenclature for coffee mixtures. (Paragraph 124.)
48. We do not think that the word "Instant" should be used as an adjective in the designation of foods (Paragraph 126) but we recommend, exceptionally, that Instant Coffee should be exempt from this recommendation. (Paragraph 127.)
49. We recommend that the control of wording of claims for the presence of dairy products in margarine should be extended to verbal descriptions. (Paragraph 130.)
50. If manufacturers of margarine add butter to it, there should be no tolerance of the percentage of butter declared to be added. (Paragraph 131.)

51. The word "Margarine" on labels should be printed in one colour and not smaller than the letters of the brand or descriptive name. (Paragraph 132.)
52. We propose a definition of salad cream and mayonnaise, and recommend that the Salad Cream and Mayonnaise Order 1945, be amended to omit the disclaimer at present allowed. (Paragraph 135.)
53. We recommend standard nomenclature for the various types of pre-packed fish and meat paste products (Paragraph 140), and deal with the addition of butter to these products. (Paragraph 141.)
54. We recommend that "white fish" be allowed as a generic term in the declaration of ingredients of fish paste. (Paragraph 142.)
55. We recommend that open-pack fish and meat paste should conform to the standard laid down for the pre-packed variety. (Paragraph 146.)
56. Open-pack fish and meat paste should carry a display ticket showing the common or usual name or appropriate designation and a list of ingredients. (Paragraph 147.)
57. We recommend that the minimum meat content of a meat paste should be the same as the minimum fish content of a fish paste. (Paragraph 148.)
58. We have prepared a suggested list of names to be used for fresh and pre-packed fish. (Paragraph 153 and Appendix C.)
59. We recommend appropriate designations to be used for canned salmon, and further, that where the product is frozen, this should be stated. (Paragraph 155.)
60. We recommend that it should be made an offence to describe any soft drink as "non-alcoholic X" where "X" is the name of an alcoholic drink. (Paragraph 157.)
61. We recommend that the term "non-alcoholic" should be reserved for drinks containing not more than 1 per cent proof spirit. (Paragraph 158.)
62. The labels on bottles of soft drinks should indicate whether dilution before consumption is necessary. (Paragraph 159.)
63. The use of milk in biscuits should be labelled in a similar way to the regulations at present in force for milk used in the making of bread. (Paragraph 160.)
64. We recommend that consideration be given to defining the limits for the heat treatment of cream. (Paragraph 161.)
65. We recommend that where liquid glucose is used and it is necessary to declare it on labels, it should always be called "glucose syrup". (Paragraph 164.)

#### **Miscellaneous. Chapter IV, Section C.**

66. The use of the words "fit for human consumption" should be forbidden to describe food produced and sold for pets. (Paragraph 166.)
67. We recommend that Food Vending Machines should carry a clear statement of their contents. (Paragraph 168.)
68. The generic term "meat" should be allowed in the declaration of ingredients for pre-packed faggots. (Paragraph 169.)
69. Transparent wrapping materials should carry the same information as any other food wrapping. (Paragraph 171.)

70. The revision of all Codes of Practice which have not been superseded by regulation should be undertaken, especially Salt, Malted Milk and Biscuits. (Paragraph 173.)
71. Canned and powdered soups should be specially labelled, and to expedite this, compositional standards should be drawn up as soon as possible. (Paragraph 174.)
72. Hydrolised protein should carry a declaration whether it is of animal or vegetable origin; salt, present in hydrolised protein in appreciable quantities should be declared. (Paragraph 177.)

**LIST OF ORGANISATIONS AND INDIVIDUALS FROM WHOM  
EVIDENCE HAS BEEN RECEIVED**

Aberdare Urban District Council.  
 Allinson Limited.  
 Armagh County Health Committee.  
 Association of Cereal Food Manufacturers Limited.  
 Association of Malt Products Manufacturers.  
 Association of Municipal Corporations.  
 Association of Public Analysts.  
 Association of Public Health Inspectors.

Barking Borough Council.  
 Beecham Foods Limited.  
 Board of Trade.  
 British Baking Industries Research Association.  
 British Egg Marketing Board.  
 British Essence Manufacturers Association.  
 British Medical Association.

Caernarvon County Council.  
 \*Canned Fish First Hand Distributors.  
 Chingford Borough Council.  
 Cocoa, Chocolate and Confectionery Alliance.  
 Coffee Buyers' Association Limited.  
 Committee of Inquiry into the Fishing Industry.  
 Consumer Advisory Council.  
 Consumers' Association Limited.  
 County Councils Association.

Deben Rural District Council.  
 Durham County Council.

Farnborough Urban District Council.  
 \*Food Manufacturers' Federation Incorporated.  
 Frimley and Camberley Urban District Council.  
 Fruit and Vegetable Canners Association of Great Britain.  
 Fruit Importers Association.

Good Housekeeping Institute.  
 Grimsby County Borough Council.

Hereford Borough Council.  
 High Commission for Australia.  
 High Commission for Canada.  
 High Wycombe Borough Council.

Ice Cream Alliance.  
 Incorporated National Association of British and Irish Millers.  
 Institute of Weights and Measures Administration.  
 Isle of Wight County Council.

Mrs. J. M. Laing.  
 Leyton Borough Council.

London Board for Schechita.  
\*London Chamber of Commerce.  
London Vegetarian Society.

Malden and Coombe Borough Council.  
T. McLachlan, Esq., A.C.G.F.C., F.R.I.C., M.I.Biol., Public Analyst.  
Metropolitan Boroughs Standing Joint Committee.

Milk Marketing Board.  
Milk Marketing Board—Northern Ireland.  
Mitcham Borough Council.  
Monmouth County Council.

Nabisco Foods Limited.  
National Association of British Wine Producers.  
National Association of Frozen Food Producers.  
National Association of Multiple Grocers.  
National Association of Soft Drink Manufacturers Limited.  
National Dried Fruit Trade Association.  
National Farmers Union.  
National Federation of Fruit and Potato Trades Limited.  
\*National Federation of Grocers and Provision Dealers Associations.  
National Federation of Meat Traders Associations.  
\*National Federation of Wholesale Grocers and Provision Merchants.  
Nestlé Milk Company Limited.

A. H. Parker and Sons (Great Britain) Limited.  
Parliamentary Committee of the Co-operative Union Limited.  
Pascall-Knight Limited.  
Poultry and Egg Producers Association of Great Britain.  
Proprietary Association of Great Britain.  
Provision Importers' Association.

T. E. Rymer, Esq., F.R.I.C., Public Analyst.

J. Sainsbury Limited.  
Chr. Salvesen and Company Limited.  
Sausage Manufacturers Association.  
Scottish Grocers and Provision Merchants Associations.  
Self-Raising Flour Association.  
South African Wine Farmers Association (London) Limited.  
Surrey County Council.

Tea Buyers' Association.

U.S. Packers Provision Agents' Committee.

Vegetarian Society.

T. Wall and Sons (Ice-Cream) Limited.  
West Ham County Borough Council.  
West Hartlepool County Borough Council.  
A. L. Williams, Esq., F.R.I.C., Public Analyst.  
H. Amphlett Williams, Esq., Ph.D., A.C.G.F.C., F.R.I.C., F.R.S.H., Public Analyst.  
Wine and Spirit Association of Great Britain (Incorporated).

\*Also gave oral evidence.

**THE LABELLING OF FOOD ORDER, 1953**  
**(Statutory Instrument 1953, No. 536)**

As amended by:

- S.I. 1953, No. 1889
- S.I. 1955, No. 1900
- S.I. 1958, No. 717
- S.I. 1959, No. 471
- S.I. 1961, No. 440.

This appendix has been prepared in order to facilitate reference by the reader of the Report, to the current statutory provisions relating to the labelling of food.

The appendix should not be regarded as a legal instrument.

**PART I**

**Citation, Commencement and Interpretation**

**CITATION AND COMMENCEMENT**

*Article*

1. This Order may be cited as the Labelling of Food Order, 1953, and shall come into operation on the 5th day of April, 1953; provided that the provisions referred to in Column 1 of the Fourth Schedule to this Order shall not have effect until the days specified in relation thereto in Column 2 of the said Schedule.

**INTERPRETATION**

*Article*

2.—(1) In this Order:

“The Minister” means the Minister of Food.

“Advertisement” includes any notice, circular, label, wrapper or other document, and any public announcement made orally or by any means of producing or transmitting light or sound.

“Biscuits” include shortbread, wafers, rusks, crispbreads, oatcakes, matzos and biscuits wholly or partly covered with chocolate.

“Flour confectionery” includes cake, pastry and ready-made puddings (other than canned puddings and Christmas puddings) but does not include biscuits or any product containing a filling that has as an ingredient any meat or fish.

“Food” means any article used as food or drink for human consumption and includes any substance which is intended for use in the composition or preparation of food, any flavouring, sweetening matter or condiment, and any colouring matter intended for use in food, and an article shall not be deemed not to be food by reason only that it is also capable of being used as a medicine.

“Food imported on government account” means food imported into the United Kingdom the property in which was at the time of importation vested in, or which was at that time consigned directly to, Her Majesty or a government department, or a person acting as agent for Her Majesty or a government department, in connection with any of the purposes specified in sub-section (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945(c), as extended by the Supplies and Services (Extended Purposes) Act, 1947(d), and the Supplies and Services (Defence Purposes) Act, 1951(e).

“Intoxicating liquor” means spirits, wine, beer, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot be lawfully sold without an excise licence.

**"Margarine"** means the food usually known as margarine being an emulsion of edible oils and fats with water or skimmed milk or other substances, with or without the addition of colouring matter, which is capable of being used for the same purposes as butter.

**"Margarine-cheese"** means any substance prepared in imitation of cheese and containing fat not derived from milk.

**"Pre-packed"** means packed or made up in advance ready for retail sale in a wrapper or container, and where any food packed or made up in a wrapper or container is found on any premises where such food is packed, kept or stored for sale, the food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of this Order.

**"Public Analyst"** has the same meaning as in the Food and Drugs Act, 1938(f).

**"Retail sale"** means any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business.

(2) Any reference in this Order to a label marked on a wrapper or container shall be construed as including a reference to any legible marking on the wrapper or container however effected.

(3) Where any food is referred to in this Order, any description or definition of that food in any other Order of the Minister for the time being in force shall, unless a contrary intention appears, apply for the purposes of this Order and if such food is described or defined in an Order of the Minister regulating prices and also in any other Order of the Minister, only the description or definition mentioned in the first mentioned Order shall apply for the purposes of this Order.

(4) References in this Order to any Order or Regulations shall be construed as referring to that Order or those Regulations as amended by any subsequent Order or Regulations whether made before or after the making of this Order and, if any Order or Regulations referred to in this Order is or are replaced by any such subsequent Order or Regulations the references shall be construed as referring to that subsequent Order, or those subsequent Regulations.

## **PART II**

### **Labelling of pre-packed food for sale by retail**

#### *Article*

3. No person shall sell by retail or display for sale by retail any pre-packed food, unless there appears on a label marked on or securely attached to the wrapper or container a true statement as to the matters hereinafter mentioned in this Part of this Order.

#### *Article*

4.—(1) The said statement shall be clearly legible and shall appear conspicuously and in a prominent position on the label, and if the food is pre-packed in more than one wrapper or container, the label shall be marked on or attached to the innermost wrapper or container and, if it is not clearly legible through the outermost wrapper or container, a label bearing a like statement shall be marked on or securely attached to, or be clearly legible through, the outermost wrapper or container. For the purposes of this provision, a "liner" (that is to say, a plain immediate wrapping which under ordinary conditions of use would not be removed from the next outer wrapper or container) shall not be counted as a wrapper or container.

(2) The said statement shall specify the name of either the packer or the labeller of the food and an address at which such person carries on business:

Provided that:

- (a) where the food is packed or labelled on behalf of or on the instructions of another person and such other person carries on business at an address in the United Kingdom, the statement may specify the name and the said address of that other person instead of the name and address of the packer or labeller, as the case may be;
- (b) it shall be sufficient if instead of the particulars specified in this paragraph there appears prominently on the label a trade mark (other than a certification trade mark) of which there is in the Trade Marks Register kept under the authority of the Trade Marks Act, 1938(g) a subsisting entry in respect of such food, and if there is associated therewith on the label the words "Registered Trade Mark".

(3) Except as respects intoxicating liquor pre-packed for sale as such, the said statement shall also specify:

- (a) in the case of a food consisting of one ingredient the appropriate designation of the ingredient;
- (b) in the case of a food made of two or more ingredients the common or usual name (if any) of the food and the appropriate designation of each ingredient, and, unless the quantity or proportion of each ingredient is specified, the ingredients shall be specified in the order of the proportion in which they were used, the ingredient used in the greatest proportion (by weight) being specified first:

Provided that:

- (i) it shall not be necessary to state that the food contains water;
- (ii) where a food contains an ingredient which is made from two or more constituents, the appropriate designations of those constituents shall be so specified and it shall not be necessary to specify the appropriate designation of that ingredient.

For the purposes of this paragraph "appropriate designation" means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the ingredient or constituent to which it is applied.

(4) (a). In the case of intoxicating liquor pre-packed for sale as such the said statement shall also specify the appropriate designation of the product and (except in the case of beer, cider and perry and of wine obtained by the fermentation of the juice of grapes, but of no other fruit, which wine has not been subject to any process so as to alter its character) such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the Minister, that is to say:

- (i) in the case of undistilled fermented liquor, not made from grapes, which in so far as it is derived from fruit, is derived exclusively from one variety of fruit:

FRUIT BASIS EXCLUSIVELY (x)  
NOT LESS THAN (y)

- (ii) in the case of undistilled fermented liquor, derived from more than one variety of fruit:

FRUIT BASIS (x) AND (x)  
NOT LESS THAN (y)

(iii) in the case of undistilled fermented liquor which is not derived wholly or in part from fruit:

NOT MADE FROM FRUIT  
NOT LESS THAN (y)

(iv) in the case of brandy, gin, rum and whisky, the alcohol content of which is less than 65 per cent. proof spirit:

DILUTED WITH WATER TO NOT  
LESS THAN (y)

Provided that this requirement shall not apply to brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask;

(v) in the case of any other intoxicating liquor to which the requirements of this paragraph (4) as to declaration apply:

NOT LESS THAN (y)

The declaration shall be completed by inserting at (x) in cases (i) and (ii) a word or words accurately specifying the description of fruit or fruit products as used by the manufacturer in the process of fermentation and at (y) in cases (i) (ii) (iii) and (v), except as respects brandy the alcohol content of which has fallen below 65 per cent proof spirit only through maturing in cask, the minimum alcohol content expressed in figures either as a percentage by volume or as a percentage of proof spirit and followed by the words "PER CENT ALCOHOL BY VOLUME" or "PER CENT PROOF SPIRIT" as the case may be.

In case (iv) above and in case (v) as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask the declaration shall be completed by inserting at (y) the minimum alcohol content expressed in figures either as a percentage of proof spirit followed by the words "PER CENT PROOF SPIRIT" or as degrees proof followed by "° PROOF".

In case (ii) the fruit or fruit products used shall be specified in the order of the proportion in which they were used, that used in the greatest proportion (by weight) being specified first.

In every case, the declaration shall be printed in dark block type upon a light coloured ground or in light block type upon a dark coloured ground and shall be enclosed by a surrounding line in the manner indicated above and no matter other than that hereinbefore described shall be printed within such surrounding line, provided that in the case of brandy, gin, rum and whisky, the alcohol content of which is not less than 65 per cent. proof spirit and of any other intoxicating liquor the alcohol content of which is not less than 40 per cent. proof spirit, it shall be sufficient for the declaration to be in the following form:

(Z) °PROOF

inserting at (Z) the figure which represents the percentage of proof spirit.

The declaration shall be printed in block type not less than  $\frac{1}{8}$  inch in height except in the case of liquor pre-packed in bottles less than the normal half bottle size when the declaration may be printed in block type not less than  $\frac{1}{12}$  inch in height.

(b) For the purposes of this paragraph:

- (i) "appropriate designation" means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the product to which it is applied; and in particular:
  - (aa) such appropriate designation shall include or be accompanied in the said statement by the name of the country or countries of origin of the liquor;
  - (ab) geographical names which are not names for distinctive types of intoxicating liquor shall not be applied to liquor produced in any locality other than the particular locality indicated by the name; and
  - (ac) where any liquor is described in terms which might infer or suggest that it is a distinctive type of intoxicating liquor which has originated in a particular country or locality and the liquor is not the produce of that country or locality, the name or description shall be immediately preceded by an adjective indicating the true country or locality of origin printed in such a manner as to be substantially as conspicuous as such name or description.
- (ii) "fruit" includes rhubarb.
- (iii) intoxicating liquor shall be deemed not to be derived from any fruit which is present therein only in insignificant quantities.

## Savings

### *Article*

5.—(1) This Part of this Order shall not apply as respects:

- (a) any food described in the First Schedule to this Order to the extent therein mentioned;
- (b) any assortment of foods packed for sale as a meal and ready for consumption without cooking, heating or other preparation.

(2) Paragraph (2) and subparagraph (3) (a) of Article 4 shall not apply to any food consisting of one ingredient packed in advance by a retailer in a wrapper or container on the premises where it is to be sold by him, provided that this exemption shall not apply if the wrapper or container or any label given with the food bears any words referring in any way to the food other than such as are necessary to identify the food or to indicate the price and quantity thereof.

(3) Paragraph (2) of Article 4 shall not apply to any food consisting of two or more ingredients which is packed in advance by a retailer in a wrapper or container on the premises where it is sold by him.

(4) Where any food is pre-packed in a wrapper or container containing less than one-half of an ounce or less than one-half of a fluid ounce, as the case may be, and owing to insufficient space on the wrapper or container it is not reasonably practicable for all the particulars specified in paragraphs (2) and (3) of Article 4 to appear on the label, it shall only be necessary to specify such of those particulars as it is reasonably practicable to specify, and the particulars required by paragraph (3) shall be specified first.

## PART III

### Labelling of pre-packed food sold otherwise than by retail

### *Article*

6.—(1) Every seller who delivers any pre-packed food pursuant to a sale otherwise than by retail shall either:

- (a) deliver the food labelled in the manner prescribed in Part II of this Order in relation to a retail sale of such food; or

(b) deliver the food unlabelled and furnish to the purchaser not later than 14 days after the delivery an invoice or other document containing a statement of such particulars as may be necessary to enable a retail trader to comply with the provisions of paragraphs (3) and (4) of Article 4 of this Order.

For the purposes of this paragraph pre-packed food shall be regarded as unlabelled only if no words or marking referring in any way to the food appear on the wrapper or container or on any label printed thereon or attached thereto, save that the food shall not be regarded as labelled merely by reason that the wrapper or container has been marked at the time of packing with such words or other marking as are reasonably necessary to identify the goods.

(2) The preceding paragraph of this Article shall not apply in the case of any food specified in paragraph (1) (b) of Article 5 of this Order or in Table B in the First Schedule to this Order.

## PART IV

### Special requirements as to labelling of certain foods

#### *Article*

6A.—(1) For the purposes of this Article (except as regards the description "ice-cream" in paragraph (4) hereof) each reference to ice-cream shall include a reference to ices but nothing in this Article shall apply in relation to water ices, including ice lollies.

(2) No person shall give with any ice-cream sold by him or display with any ice-cream exposed by him for sale any label, whether attached to or printed on the wrapper or container or not, which bears any word or pictorial device which refers to, or is suggestive of, butter, cream or milk or of anything connected with the dairy interest unless the ice-cream contains no fat other than milk fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent):

Provided that the label may bear a statement to the effect that the ice-cream contains skimmed milk solids.

(3) No person shall publish, or be party to the publication of, any advertisement for ice-cream which includes any word or pictorial device which refers to, or is suggestive of, butter, cream or milk or of anything connected with the dairy interest unless the ice-cream to which the advertisement relates contains no fat other than milk fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent).

Provided that the advertisement may include a statement to the effect that the ice-cream contains skimmed milk solids.

(4) After 30th November, 1959, no person shall sell, or offer or expose for sale under the description "ice-cream" any pre-packed ice-cream which contains any fat other than milk fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) except in a wrapper or container bearing a label on which there appears in close proximity to such description the declaration "Contains non-milk fat" such declaration to be conspicuously visible and to be distinctly and legibly printed in letters not less in height than one-quarter of the height of the tallest letter in such description or one-twelfth of an inch whichever is the taller:

Provided that where any pre-packed ice-cream contains no fat other than vegetable fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) the declaration "Contains vegetable fat" may so appear as an alternative in place of the declaration "Contains non-milk fat".

(5) The foregoing provisions of this Article shall extend and apply in relation to ice-cream which forms part of a composite article of food.

(6) Nothing in this Article shall prevent the use of the expression "ice-cream" or the use of the name of the manufacturer, packer or advertiser of the ice-cream or of any person selling it or exposing it for sale.

(7) In any proceedings for an offence against paragraph (3) of this Article in relation to the publication of an advertisement it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

(8) In any such proceedings as aforesaid against the manufacturer of the ice-cream it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

#### *Article*

7.—(1) No person shall sell or have in his possession for sale any canned or frozen peas which have been dried, soaked or otherwise processed prior to canning or freezing which are described in a label attached to or printed on the wrapper or container:

(a) as "peas", unless the word "peas" wherever it appears on the label is immediately preceded by the word "processed" printed in such a manner as to be substantially as conspicuous as the word "peas".

(b) as being "fresh", "garden", or "green", or by the use of any word which may indicate either directly or by ambiguity, omission or inference, that the peas are other than peas which have been dried, soaked or otherwise processed prior to canning or freezing.

(2) No person other than a pharmacist or an authorised seller of poisons shall sell or have in his possession for sale any pre-packed concentrated acetic acid or solution of acetic acid, whether coloured or not, containing more than 15 per cent. weight in volume of acetic acid unless:

(a) it is described as "Concentrated solution of acetic acid (X) per cent" the description to be completed by inserting at (X) the appropriate figure, and

(b) there appears on the main label in red type not less than  $\frac{1}{8}$  inch in height upon a light coloured ground the words "Dangerous—not to be used unless diluted".

(3) No person shall sell or have in his possession for sale any pre-packed coffee mixture which is described in a label attached to or printed on the wrapper or container:

(a) as "french coffee" unless the words "french coffee" wherever they appear are immediately followed by the words "coffee and chicory mixture" printed in such a manner as to be substantially as conspicuous as the words "french coffee";

(b) as "viennese coffee" unless the words "viennese coffee" wherever they appear are immediately followed by the words "coffee with fig seasoning" or "coffee with fig flavouring" printed in such a manner as to be substantially as conspicuous as the words "viennese coffee".

#### **PART IVa**

##### **Special requirements as to the labelling, marking and advertising of margarine and margarine-cheese**

#### *Article*

7A. No person dealing in margarine shall deliver to the purchaser any margarine, whether pre-packed or otherwise, unless:

(a) it is so delivered in a wrapper or container bearing the word "MARGARINE" in block letters, legibly printed and conspicuously visible;

(b) in the event of any brand or descriptive name appearing on such wrapper or container, the word "MARGARINE", as aforesaid, appears in conjunction therewith wherever such brand or descriptive name appears: save that where any pre-packed margarine is delivered enclosed in a wrapper or container this requirement shall not apply in relation to the two sides which are smaller in area than any of the other sides;

(c) in every case where the word "MARGARINE" appears in conjunction with any brand or descriptive name as aforesaid the following requirements are complied with independently as respects each side of the packet on which the brand or descriptive name appears, that is to say:

- (i) If any brand or descriptive name appears in letters not more than  $\frac{1}{2}$  of an inch in height the word "MARGARINE" shall be in letters of at least the same height as those of the brand or descriptive name.
- (ii) If any brand or descriptive name appears in letters more than  $\frac{1}{2}$  of an inch in height but not more than  $\frac{1}{4}$  of an inch in height the word "MARGARINE" shall be in letters not less than  $\frac{1}{2}$  of an inch in height.
- (iii) If any brand or descriptive name appears in letters more than  $\frac{1}{4}$  of an inch in height the word "MARGARINE" shall be in letters not less than half the height of the letters of the brand or descriptive name.

(d) in every case where the word "butter", "cream", or "milk" appears on the wrapper or container, that word appears in letters not larger nor more conspicuous than those used for the word "MARGARINE".

7AB. No person shall give with any margarine sold by him or display with any margarine exposed by him for sale any label, whether attached to or printed on the wrapper or container or not, which:

- (a) bears any brand or descriptive name or pictorial device which refers to, or is suggestive of, butter or of anything connected with the dairy interest;
- (b) claims that any margarine contains or is made with cream or milk unless such claim is made in the following words (and no others), that is to say:

"Made with (x), milk-fat equivalent to (y)% of butter"

inserting at (x) the word "cream" or "milk" as the case may be and at (y) the figure which represents the percentage of butter calculated on the amount of milk-fat introduced by the cream, or the milk, as the case may be.

The claim shall be in type or characters all of equal size;

- (c) claims that margarine contains butter unless such claim states the percentage of butter the margarine contains.

Provided that no offence shall be deemed to have been committed under this Article in relation to a figure stated as the percentage of butter if such figure does not differ by more than two from the actual percentage.

7AC.—(1) No person shall publish, or be a party to the publication of any advertisement for margarine which:

- (a) includes any brand or descriptive name, or pictorial device which refers to, or is suggestive of, butter or of anything connected with the dairy interest;
- (b) makes any claim that any margarine contains or is made with cream or milk unless such claim is made in the following words (and no others), that is to say:

"Made with (x), milk-fat equivalent to (y)% of butter"

inserting at (x) the word "cream" or "milk" as the case may be and at (y) the figure which represents the percentage of butter calculated on the amount of milk-fat introduced by the cream, or the milk, as the case may be.

Where the claim is made in visual form it shall be in type or characters all of equal size;

(c) makes any claim that margarine contains butter unless such claim states the percentage of butter the margarine contains.

Provided that no offence shall be deemed to have been committed under this Article in relation to a figure stated as the percentage of butter if such figure does not differ by more than two from the actual percentage.

(2) In proceedings for an offence against this Article in relation to the publication of an advertisement it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements he received the advertisement for publication in the ordinary course of business.

(3) In any such proceedings as aforesaid against the manufacturers, producers or importers of the margarine, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

7AD. No person shall expose for sale by retail any margarine, other than pre-packed margarine, unless there is attached thereto, in such a manner as to be clearly visible to a purchaser, a label marked "MARGARINE" in block letters not less than one and a half inches in height.

7AE. With the exception of sub-paragraphs (b) and (c) of Article 7AB and sub-paragraphs (b) and (c) of paragraph (1) of Article 7AC, the foregoing provisions of this Part of this Order shall apply in relation to margarine-cheese as if "margarine-cheese" were substituted for "margarine" throughout.

## PART V

### Special requirements as to labelling of certain liquors

#### Article

8. No person shall sell or have in his possession for sale any liquor described in a label attached to or printed on the wrapper or container:

(a) in the case of intoxicating liquor, by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is, or resembles, wine obtained by the fermentation of the juice of grapes, or is a substitute for or has the flavour of such wine, unless it is derived from fruit, and, in so far as it is derived from fruit, is derived exclusively from grapes;

(b) in the case of intoxicating liquor which is not derived from fruit or which is wholly or partly derived from fruit other than grapes, by the use of the word "wine", unless that word is immediately preceded in identical lettering by a word or words accurately specifying the description of fruit or fruit product or other saccharine material used:

Provided that nothing in this sub-paragraph shall prevent the use of the description "Ginger Wine" or "Orange Wine" for products wholly or partly derived from fruit other than grapes:

(c) by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is, or resembles a sweetened liqueur or is a substitute for or has the flavour of a sweetened liqueur unless it is a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient;

(e) in the case of cider or perry which has been artificially aerated, by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor resembles or is a substitute for, or has the character of champagne;

(f) in the case of spirits the alcohol content of which is less than 65 per cent proof spirit, by the name brandy, gin, rum or whisky, unless such name is immediately preceded by the word "diluted" or such other qualification as the Minister may

approve, printed in such a manner as to be substantially as conspicuous as the name applied:

Provided that this requirement shall not apply to brandy, the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask;

(g) by any name or words calculated to indicate either directly or by ambiguity, omission or inference that the liquor has properties which make it beneficial for invalids or has tonic, restorative or medicinal properties, unless:

- (i) the liquor contains a substance or substances other than alcohol added in such quantity as to confer such properties, and
- (ii) the description is accompanied by a statement of the approximate percentage present of such substance or substances:

Provided that this paragraph shall not apply to a soft drink described in a label by the name "Indian Tonic Water" or "Quinine Tonic Water" which contains not less than  $\frac{1}{2}$  grain of quinine (calculated as quinine sulphate B.P.) per pint.

## PART VI

### Special requirements where presence of vitamins or mineral or tonic properties claimed

#### VITAMINS AND MINERALS

##### *Article*

9.—(1) Subject to the provisions of this Article no person shall:

- (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which makes a general claim that vitamins or minerals are present in the food;
- (b) have in his possession for sale any pre-packed food which bears such a label as aforesaid; or
- (c) publish, or be a party to the publication of, an advertisement of any food which makes any such general claim as aforesaid;

unless the food contains, in the case of a claim as to vitamins, one or more of the substances specified in the first column of Part I of the Second Schedule to this Order or, in the case of a claim as to minerals, one or more of the substances specified in the first column of Part II of that Schedule, and the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce or fluid ounce of the food and when the minimum quantity of the food in the container is stated by weight the minimum quantity of every such substance per ounce shall be specified and when the minimum quantity of the food in the container is stated by volume the minimum quantity of every such substance per fluid ounce shall be specified.

(2) Subject to the provisions of this Article no person shall:

- (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which claims or in any way suggests that any particular substance or substances specified in the first column of the Second Schedule to this Order is or are present in the food;
- (b) have in his possession for sale any pre-packed food, which bears such a label as aforesaid; or
- (c) publish, or be a party to the publication of, an advertisement of any food which makes any such claim or suggestion as aforesaid;

unless the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each

ounce or fluid ounce of the food and when the minimum quantity of the food in the container is stated by weight the minimum quantity of every such substance per ounce shall be specified and when the minimum quantity of the food in the container is stated by volume the minimum quantity of every such substance per fluid ounce shall be specified:

Provided that the requirements of this paragraph shall not apply in relation to a substance specified in Part II of the said Schedule if the only claim or suggestion that the substance is present in a food is contained in a statement of the ingredients of that food made on the label thereof in order to comply with the provisions of Part II or III of this Order.

(3) The provisions of this Article shall not apply to:

- (a) fruit and vegetables, including fruit and vegetables which have been preserved by freezing or by gas or cold storage or by any other method of storage, but excluding fruit or vegetables which have been canned or bottled or preserved otherwise than as aforesaid;
- (b) liquid cow's milk (not including condensed milk);
- (c) shell eggs;
- (d) fish of any description, including shell fish and processed fish, but not including canned or bottled fish or any manufactured product containing fish;
- (e) any food served by a caterer as a meal or part of a meal in the course of his catering business.

(4) Nothing in this Article shall in relation to butter prohibit the giving of a label or the publishing of an advertisement which correctly and truthfully claims that the butter in respect of which the claim is made is a natural source of Vitamin A notwithstanding that the minimum quantity of Vitamin A contained therein is not specified.

(5) In any proceedings for an offence against this Article in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements he received the advertisement for publication in the ordinary course of business.

(6) In any such proceedings as aforesaid against the manufacturers, producers or importers of the advertised food, it shall rest on the defendant to prove that he did not publish and was not a party to the publication of, the advertisement.

(7) In any proceedings for an offence against this Article in respect of a failure to specify the required particulars in an advertisement of any food, it shall be a defence for the defendant to prove that he took all reasonable steps to secure, by the pre-packing of the food, that it would not be sold without a label specifying these particulars.

(8) This Article shall be without prejudice to the requirements of Parts II and III of this Order.

#### TONIC PROPERTIES

##### *Article*

10. No person shall sell or have in his possession for sale any food which is described in a label attached to or printed on the wrapper or container by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the food has tonic properties by reason only that such foods contain (a) alcohol, (b) sugars or other carbohydrates, (c) protein or substances prepared from the hydrolysis of protein, or (d) caffeine or other purine derivatives.

## PART VII

### Miscellaneous

#### DEFACING OF LABELS

##### *Article*

11. No person shall remove, add to, alter, deface or render illegible any statement upon a label printed on or attached to a wrapper or container in pursuance of any provision of this Order:

Provided that it shall be a defence in any proceedings for an infringement of this Article for the defendant to prove either:

(a) that the food was in his possession at the time of the infringement otherwise than for sale; or

(b) that he acted without intent to deceive.

#### DEFENCES

##### *Article*

12.—(1) Where in any prosecution a person is charged with an infringement of any provision of this Order in respect of the sale or displaying or possession for sale of any pre-packed food and the alleged offence relates to the inaccuracy or omission of any particular required to be shown on a label marked on or attached to a wrapper or container or otherwise given with the food pursuant to any of the said provisions or in a statement furnished by the defendant pursuant to Article 6, it shall be a defence for him to prove:

(a) that he purchased the food in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom, and that the wrapper or container had remained unopened;

(b) that such particular was shown on or omitted from (as the case may be) the label when the food was purchased by him or shown on or omitted from (as the case may be) a statement furnished to him in respect of that food pursuant to the said Article 6; and

(c) that at the time of the alleged infringement he had no reason to believe that this Order was being infringed:

Provided that a person shall not be entitled to avail himself of the defence provided by this Article unless within fourteen days of the service of the summons he has sent to the prosecutor a copy of the label or statement upon which he intends to rely with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person.

(2) The person by whom any such label or statement is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

(3) Where the defendant is a servant of the person who purchased the article with such a label or statement he shall be entitled to rely on the provisions of this Article in the same way as his employer would have been entitled to do if he had been the defendant.

#### RIGHT OF DEFENDANT TO SUMMON PERSON RESPONSIBLE FOR OFFENCE

##### *Article*

13.—(1) A person against whom proceedings are brought in respect of an infringement of this Order shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings, and, if, after the con-

travention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the preceding paragraph:

- (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the Minister or other authority entitled to bring proceedings for an infringement of this Order, that an offence has been committed, in respect of which proceedings might be taken for an infringement of this Order against some person and the Minister or other authority is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under paragraph (1) of this Article, he or they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the defendant may be charged with and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged, and shall be liable on conviction to the like punishment as might have been inflicted on the first-mentioned person if he had been convicted of the offence.

#### CERTIFICATE OF PUBLIC ANALYST

##### *Article*

14.—(1) In any proceedings in respect of an infringement of this Order the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist or (ii) a document supplied to him by the other party as being a copy of such a certificate shall be sufficient evidence of the facts stated therein, unless in the case mentioned under head (i) above the other party requires that the person making the analysis shall be called as a witness.

(2) In any such proceedings:

- (a) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist, a copy of such certificate shall be served with the summons; and
- (b) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three clear days' notice of his intention, and if any of these requirements is not complied with, the court may if it thinks fit adjourn the hearing on such terms as it deems proper.

#### PART VIII

#### Savings. Application and Revocation

##### SAVINGS

##### *Article*

15.—(1) Nothing in this Order shall relieve any person from complying with the provisions of any Act of Parliament, Order in Council, order, regulation or bylaw for the time being in force.

**(2) This Order, except so far as it relates to advertisements, shall not apply:**

- (a) to any food imported on Government account which is still contained in the wrapper or container in which it was so imported;
- (b) to any food packed for consumption by Her Majesty's Forces or the Forces of any of Her Majesty's Allies or co-belligerents;
- (c) to any food intended at the time of sale for export from the United Kingdom or for use as ships' stores.

**APPLICATION TO SCOTLAND**

*Article*

16. This Order shall in its application to Scotland have effect subject to the following modifications:

- (a) for any reference to a summons, a hearing and a defendant there shall be respectively substituted references to a complaint, a diet and a person accused;
- (b) "public analyst" has the same meaning as in the Food and Drugs (Adulteration) Act, 1928(h);
- (c) for Article 13 there shall be substituted the following Article:

"13. Where an offence has been committed in respect of which proceedings might be taken for an infringement of this Order against some person and the offence was due to an act or default of some other person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the offence, and shall be liable on conviction to the like punishment as might have been inflicted on the first-mentioned person if he had been convicted of the offence."

- (d) for the references to the Public Health (Preservatives, etc., in Food) Regulations, 1925 to 1948, to the Public Health (Preservatives, etc., in Food) Regulations, 1925, and to paragraph 1 of the Second Schedule to the Public Health (Preservatives, etc., in Food) Regulations, 1925, there shall be respectively substituted references to the Public Health (Preservatives, etc., in Food) Regulations, (Scotland), 1925 to 1940, to the Public Health (Preservatives, etc., in Food) Regulations (Scotland), 1925, and to paragraph 1 of the Second Schedule to the Public Health (Preservatives, etc., in Food) Regulations (Scotland), 1925; and for the reference to the Public Health (Condensed Milk) Regulations, 1923 to 1948, there shall be substituted a reference to the Public Health (Condensed Milk) Regulations (Scotland), 1931.

**APPLICATION TO NORTHERN IRELAND**

*Article*

17. This Order shall, in its application to Northern Ireland, have effect subject to the following modifications:

- (a) the expression "Department of Her Majesty's Government" shall include a Department of the Government of Northern Ireland;
- (b) for any reference to the Government Chemist there shall be substituted a reference to the Government Chemist for Northern Ireland;
- (c) the expression "public analyst" means a public analyst appointed under the Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939;
- (d) for the references to the Public Health (Preservatives, etc., in Food) Regulations, 1925 to 1948, to the Public Health (Preservatives, etc., in Food) Regulations, 1925, and to paragraph 1 of the Second Schedule to those Regulations, there shall be substituted references to the Public Health (Preservatives, etc., in Food) (Northern Ireland) Regulations, 1927 to 1940, to the Public Health (Preservatives, etc., in Food) (Northern Ireland) Regulations, 1927, and

to the provisions thereof corresponding to paragraph 1 of the said Second Schedule;

(e) for the reference to the Public Health (Condensed Milk) Regulations, 1923 to 1948, there shall be substituted a reference to the Public Health (Condensed Milk) Regulations, 1925 and 1927 (S.R. & O. (N.I.) 1925/169; and 1927/157).

## REVOCATION

### Article

18. Save as hereinafter provided the Labelling of Food Order, 1950(i) as amended (j), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof:

Provided that the provisions of that Order referred to in Column 1 of the Third Schedule to this Order shall remain in force until the date specified in relation thereto in Column 2 of the said Schedule and until such date shall be read as one, *mutatis mutandis*, with the provisions of this Order for the time being in operation.

## THE FIRST SCHEDULE

### Foods Exempt or Partly Exempt from Part II of the Order

The foods specified in Column 1 of Table A below shall be exempt from such of the provisions of Part II of the Order as are specified in Column 2 of the Table, to the extent shown in Column 3 of the Table.

TABLE A

Column 1	Column 2	Column 3
Description of Food	Provision of Part II from which exempt	Extent of exemption
1. Any food specified in Table B below, when pre-packed for sale as such.	The whole Part	Wholly exempt.
2. Compound Cooking Fat. Margarine (not including vegetarian butter). Sugar. Yeast.	Article 4(2)	Wholly exempt.
3. Spices: (a) when pre-packed for sale as such, other than spices consisting of a single ingredient; (b) when forming an ingredient of some other food. Any deodorised fatty oil, whether hydrogenated or not, when forming an ingredient of some other food. Colourings, when forming an ingredient of some other food. Emulsifying salts (sodium citrate, sodium phosphates and sodium tartrate) when forming an ingredient of some other food. Vine fruits (muscateles, raisins, sultanas and currants) when forming an ingredient of some other food other than a beverage.	Article 4(3)	Exempt to the extent that they may be designated as spices, edible oil, or edible fat, colourings, emulsifying salts, vine fruits, nuts, edible starch, imitation cream, herbs or fish (as the case may be) without further specification as to their common or usual name or as to composition.

Column 1	Column 2	Column 3
Description of Food	Provision of Part II from which exempt	Extent of exemption
<p>3. Spices—(contd.)</p> <p>Nuts when forming an ingredient of some other food.</p> <p>Prepared purified starch when forming an ingredient of some other food.</p> <p>Imitation cream when forming an ingredient of some other food.</p> <p>Herbs, when forming an ingredient of some other food but not exceeding one per cent by weight of such food.</p> <p>Fish when forming an ingredient of fish products.</p>		
<p>4. Colourings, when pre-packed for sale as such.</p>	Article 4(3)	Exempt to the extent that the colouring ingredients may be designated without further specification:
		<p>(a) unless of synthetic origin, as "colour", or</p> <p>(b) if of synthetic origin, as "synthetic colour" or "artificial colour".</p>
<p>5. Flavourings, as defined at the foot of this Table:</p> <p>(a) when pre-packed for sale as such, other than flavourings consisting of a single ingredient;</p> <p>(b) when forming an ingredient of some other food.</p>	Article 4(3)	Exempt to the extent that the ingredients need not be specified.
	Article 4(3)	Exempt to the extent that they may be designated either as "flavourings" or as "flavouring essences" or by their common or usual name without further specification as to composition.
<p>7. Preservatives as defined in the Public Health (Preservatives, etc., in Food) Regulations, 1925:</p> <p>(a) pre-packed for sale as such or</p> <p>(b) forming an ingredient of one of the foods specified in paragraph 1 of the Second Schedule to those Regulations.</p>	Article 4(3)	Wholly exempt but the label must comply with the requirements of the Public Health (Preservatives, etc., in Food) Regulations, 1925-1948.
<p>8. Any food specified in Column 1 of Table C below, pre-packed for sale as such, for which requirements as regards composition are laid down in the Order or regulations specified in relation thereto in Column 2 of that Table, in so far as such food complies as regards composition with such requirements.</p>		

Column 1	Column 2	Column 3
Description of Food	Provision of Part II from which exempt	Extent of exemption
<p>8.—(contd.)</p> <p>Any of the following, when pre-packed for sale as such:</p> <p>Beef sausages, pork sausages, slicing sausages, beef sausage meat and pork sausage meat (other than canned).</p> <p>Biscuits (as defined in Article 2(1)).</p> <p>Cheese (including processed cheese, blue vein, soft, curd or cream cheese, and cheese made from milk other than cow's milk).</p> <p>Compound Cooking Fat.</p> <p>Condensed milk as defined by the Public Health (Condensed Milk) Regulations, 1923 to 1948.</p> <p>Custard powder and Blancmange powder.</p> <p>Fruit and vegetables (including vegetable salad in mayonnaise) canned in the United Kingdom.</p> <p>Macaroni or spaghetti (cooked, in tomato sauce) canned in the United Kingdom.</p> <p>Margarine (not including vegetarian butter).</p> <p>Spa Waters, Seltzer Waters, Potash Water and Lithia Water.</p> <p>Thick Mixed Fruit Sauces.</p> <p>Worcester Sauce, and similar thin sauces.</p> <p>Any preparation which is the subject of a monograph in the 1948 or any later issue of the British Pharmacopoeia, including the Addenda thereto, or in the formulary section of the 1949 or any later issue of the British Pharmaceutical Codex, including supplements thereto.</p>	Article 4(3)	Exempt to the extent that the ingredients need not be specified.
<p>9. Any of the following, when forming an ingredient of some other food:</p> <p>Any food specified in entry No. 8 in this column or in Table B below.</p> <p>Breadcrumbs, Ruskcrumbs and Rusk.</p> <p>Intoxicating Liquor.</p> <p>Macaroni and similar products.</p> <p>Tomato ketchup, catsup, sauce or relish.</p>	Proviso (ii) to Article 4(3)	Exempt to the extent that it may be designated by its appropriate designation without specifying the appropriate designation of its constituents.

*Note*—For the purposes of entry No. 5 above, the expression "flavouring" means any product which complies with the following conditions:

- (a) it must have aromatic properties;
- (b) where it is an ingredient of any food it shall have been added primarily for flavouring purposes and where it is packed for sale as such it shall be intended

for use primarily for such purposes; and

(c) it shall consist of an essential oil, natural gum, gum resin, oleo-resin, a chemical having flavouring property, or any vegetable extractive, or a mixture of any of these, and it may also contain one or more of the following (but no other) ingredients:

(i) fruit juices;

(ii) such other substances as are reasonably necessary to produce a solid, a solution or an emulsion from the aforementioned ingredients;

but the expression shall be deemed not to include any preparation of yeast, coffee or chicory, any soft drink, or any substance prepared by the hydrolysis of protein-containing materials.

TABLE B

(Foods wholly exempt from Part II of the Order when pre-packed for sale as such and partly exempt when forming an ingredient of some other food.)

Beer brewed in the United Kingdom.

Bread (not including breadcrumbs).

Butter and milk blended butter.

Flour confectionery (as defined in Article 2(1)).

Fresh fruit and vegetables (other than potatoes) not including fruit or vegetables which are bottled, frozen, dried or otherwise processed but so that for this purpose cleaning or removal of extraneous or inedible matter shall not be regarded as processing.

Liquid cow's milk (other than condensed milk).

Meat puddings (other than canned) and meat pies.

Single toffee apples.

Sugar confectionery, chocolate and chocolate confectionery.

Whole cooked beetroots.

TABLE C

Foods of which the ingredients need not be specified in accordance with paragraph (3) of Article 4 of this Order in so far as they are pre-packed for sale as such but are governed as regards composition by the Order or regulations specified in Column 2 and must comply therewith as regards composition.

Column 1	Column 2
Any food for which a standard is prescribed by any regulations made under, or by any order having effect as if contained in regulations made under, section 4 of the Food and Drugs Act, 1955, other than tomato ketchup, catsup, sauce or relish.	The order or regulations prescribing the standard.
Flour ... ... ... ... ...	
National Flour ... ... ... ...	} The Flour Order, 1953(d).

## THE SECOND SCHEDULE

### Part I

#### VITAMINS

Column 1						Column 2
Group	Substance					To be calculated as:
1	Vitamin A	...	...	...	...	International units of vitamin A
2	Carotene	...	...	...	...	International units of vitamin A, on the basis that 0.6 micrograms of betacarotene is equivalent to one international unit of vitamin A.
3	Vitamin B	...	...	...	...	Milligrams of aneurin hydrochloride.
	Aneurin	...	...	...	...	
	Aneurin hydrochloride	...	...	...	...	
	Thiamin	...	...	...	...	
	Thiamin hydrochloride	...	...	...	...	
4	Vitamin B <sub>2</sub>	...	...	...	...	Milligrams of riboflavin.
	Riboflavin	...	...	...	...	
5	Nicotinic acid, nicotinic acid amide and their active derivatives	...	...	...	...	Milligrams of nicotinic acid or the chemically equivalent quantity of nicotinic acid in milligrams.
	Niacin	...	...	...	...	
	Niacinamide	...	...	...	...	
	Nicotinamide	...	...	...	...	
6	Vitamin C	...	...	...	...	Milligrams of ascorbic acid.
	Ascorbic acid	...	...	...	...	
7	Vitamin D	...	...	...	...	International units of vitamin D.
8	Vitamin D <sub>2</sub>	...	...	...	...	International units of vitamin D.
	Calciferol	...	...	...	...	
9	Vitamin D <sub>3</sub>	...	...	...	...	International units of vitamin D.

The quantity of any substance specified in the first column of the above Table must be calculated in the manner prescribed in relation thereto in the second column, but it shall not be necessary to specify this quantity in terms of the substance named in the second column. It shall be sufficient if such quantity is specified together with a reference to any of the substances in the same group as named in the first column, as if all the names in the group were synonymous. Carotene may be referred to either as Carotene or as vitamin A; vitamin D<sub>2</sub>, Calciferol and vitamin D<sub>3</sub> may be referred to as such or as vitamin D.

(d) S.I. 1953/1282

### Part II

#### MINERALS

Column 1						Column 2
Substance						To be calculated and specified as
Calcium	...	...	...	...	...	Milligrams of calcium.
Iodine	...	...	...	...	...	Micrograms of iodine.
Iron	...	...	...	...	...	Milligrams of iron.
Phosphorus	...	...	...	...	...	Milligrams of phosphorus.

### THE THIRD SCHEDULE

**Dates of Revocation of Provisions of the Labelling of Food Order, 1950,  
as amended**

Column 1	Column 2
Provisions of the Order	Date of revocation
Paragraphs (5) and (6) of Article 2 ... ...	1st July, 1953.
The exemption effected by the entry relating to British Pharmacopoeia and British Pharmaceutical Codex preparations in item 9 of Table A in the First Schedule to the Order ... ... ...	1st December, 1953.

### THE FOURTH SCHEDULE

**Dates of Operation of Provisions of this Order which do not come into Operation on 5th April, 1953**

Column 1	Column 2
Provisions of the Order	Date of operation
Paragraphs (2) and (3) of Article 5 ... ... ... ...	1st July, 1953.
Paragraph (3) of Article 7:	
(a) as respects food sold otherwise than by retail:	
(i) by the packer or labeller thereof or in his possession for sale otherwise than by retail ... ... ...	1st August, 1953.
(ii) by any other person or in his possession for sale otherwise than by retail ... ... ...	1st November, 1953.
(b) as respects food sold by retail or in the possession of any person for sale by retail ... ... ...	1st February, 1954.
The exemption effected by the entry relating to British Pharmacopoeia or British Pharmaceutical Codex preparations in item 8 of Table A in the First Schedule to the Order... ...	1st December, 1953.

## FISH NAMES

Column 1	Column 2
Names (or alternative names) by which fish should be sold retail	Scientific names of species to which names in Column 1 apply
Anchovy	All species of <i>Engraulis</i>
Angel-fish or Monk-fish	{ <i>Squatina squatina</i> (L) <i>Rhina squatina</i> (L)
Angler	<i>Lophius piscatorius</i> L
Argentine	All species of <i>Argentina</i>
Atherine	All species of <i>Atherine</i>
Bass	{ All species of <i>Roceus</i> All species of <i>Morone</i> <i>Labrax Lupus</i> (Lacep.)
Brill	{ <i>Scophthalmus rhombus</i> (L) <i>Rhombus rhombus</i> (L) <i>Bothus rhombus</i> (L) <i>Rhombus laevis</i> (Turton)
Cod or Codling	{ All species of <i>Gadus</i> and <i>Microgadus</i> except <i>Gadus pollachius</i> L <i>Gadus luscus</i> L <i>Gadus aeglefinus</i> L <i>Gadus virens</i> <i>Gadus merlangus</i> L <i>Physiculus bacchus</i>
Conger or Conger Eel	All species of <i>Conger</i>
Dab	{ <i>Limanda limanda</i> (L) <i>Pleuronectes limanda</i> L
Dory or John Dory	<i>Zeus faber</i> L
Eel	All species of <i>Anguilla</i>
Flake or Huss or Rigg	{ All species of <i>Galeus</i> All species of <i>Eugaleus</i> All species of <i>Mustelus</i> All species of <i>Scyliorhinus</i> <i>Acanthias vulgaris</i> Risso <i>Scylium canicula</i> (L) <i>Pristiurus melastomus</i> (Rafin.) <i>Squalus acanthias</i> L
Flounder or Fluke	{ <i>Platichthys flesus</i> (L) <i>Pleuronectes flesus</i> L <i>Flesus flesus</i> (L)
Forkbeard	{ <i>Urophycis blennoides</i> (Brunn.) <i>Phycis blennoides</i> (Brunn.) <i>Raniceps raninus</i> (L)

Column 1	Column 2
Names (or alternative names) by which fish should be sold retail	Scientific names of species to which names in Column 1 apply
Garfish	All species of <i>Belone</i>
Grey Mullet	All species of <i>Mugil</i>
Gurnard	$\left\{ \begin{array}{l} \text{All species of } \text{Trigla} \\ \text{Peristedion cataphractum (L)} \\ \text{Peristethus cataphractum (L)} \end{array} \right.$
Haddock	$\left\{ \begin{array}{l} \text{Gadus aeglefinus (L)} \\ \text{Melanogrammus aeglefinus} \end{array} \right.$
Hake	$\left\{ \begin{array}{l} \text{All species of } \text{Merluccius} \\ \text{All species of } \text{Urophycis} \end{array} \right.$
Halibut	All species of <i>Hippoglossus</i>
Herring or Sild	$\left\{ \begin{array}{l} \text{Clupea harengus L} \\ \text{Small Clupea harengus} \end{array} \right.$
Lance	$\left\{ \begin{array}{l} \text{All species of } \text{Ammodytes} \\ \text{All species of } \text{Gymnammodytes} \end{array} \right.$
Lascar	$\left\{ \begin{array}{l} \text{Pegusa lascaris (Risso)} \\ \text{Solea lascaris (Risso)} \end{array} \right.$
Lemon Sole	$\left\{ \begin{array}{l} \text{Microstomus kitt (Walbaum)} \\ \text{Pleuronectes microcephalus Don.} \\ \text{Microstomus microcephalus (Don.)} \\ \text{Pseudo pleuronectes dignabilis} \end{array} \right.$
Ling	All species of <i>Molva</i>
Mackerel	$\left\{ \begin{array}{l} \text{All species of } \text{Scomber, Scomberomorus} \\ \text{All species of } \text{Acanthocybium} \\ \text{All species of } \text{Pneumotophorus} \end{array} \right.$
Megrim	$\left\{ \begin{array}{l} \text{All species of } \text{Lepidorhombus} \\ \text{Arnoglossus megastoma (Don.)} \end{array} \right.$
Pilchard	$\left\{ \begin{array}{l} \text{Sardina pilchardus (Walbaum)} \\ \text{Clupea pilchardus Walbaum} \\ \text{Clupea sagax} \end{array} \right.$
Plaice	<i>Pleuronectes platessa L</i>
Pollack or Lythe	<i>Gadus pollachius L</i>
Pouting or Pout	<i>Gadus luscus L</i>
Redfish	$\left\{ \begin{array}{l} \text{All species of } \text{Sebastes} \\ \text{Scorpaena dactyloptera De la Roche} \\ \text{Helicolenus dactyloptera (De la Roche)} \end{array} \right.$
Red Mullet	All species of <i>Mullus</i>

Column 1	Column 2
Names (or alternative names) by which fish should be sold retail	Scientific names of species to which names in Column 1 apply
Rockfish	All species of <i>Anarhichas</i>
Rough-back	$\begin{cases} \text{Hippoglossoides platessoides (Fabr.)} \\ \text{Hippoglossoides limandooides (Bloch)} \\ \text{Drepanopsetta platessoides (Fabr.)} \end{cases}$
Saithe or Coley	<i>Gadus virens</i> L
Sardine	$\begin{cases} \text{All species of } \text{Sardinops} \text{ except } \text{Clupea sagax} \\ \text{All species of } \text{Sardina} \text{ except } \text{Sardina Pilchardus (Walbaum)} \\ \text{All species of } \text{Sardinella} \end{cases}$
Scad	All species of <i>Trachurus</i>
Sea-Bream	$\begin{cases} \text{All species of } \text{Dentex} \\ \text{All species of } \text{Pagellus} \\ \text{All species of } \text{Sporus} \\ \text{All species of } \text{Cantharus} \\ \text{All species of } \text{Pagrus} \\ \text{Spondyliosoma cantharus (L)} \\ \text{Box boops (L)} \\ \text{Box vulgaris Cuv. and Val.} \\ \text{Chrysophrys auratus (L)} \end{cases}$
Skate or Ray or Roker	All species of <i>Raja</i>
Smelt or Sparling	All species of <i>Osmerus</i>
Sole	$\begin{cases} \text{All species of } \text{Solea} \\ \text{except } \text{Solea solea (Linn)} \\ \text{Solea vulgaris Quensel} \\ \text{Solea lascaris (Risso)} \\ \text{Solea variegata (Don)} \end{cases}$
Dover Sole	$\begin{cases} \text{Solea solea (Linn)} \\ \text{Solea vulgaris Quensel} \end{cases}$
Sprat or Brisling	All species of <i>Sprattus</i>
Sturgeon	<i>Acipenser sturio</i> L
Thickback	$\begin{cases} \text{Microchirus variegatus (Don.)} \\ \text{Soles variegata Don.} \end{cases}$
Tuna or Tunny	$\begin{cases} \text{All species of } \text{Thunnus} \\ \text{All species of } \text{Neothunnus} \\ \text{All species of } \text{Parathunnus} \\ \text{All species of } \text{Euthunnus} \\ \text{Germo alalunga (Gmelin)} \\ \text{Katsuwonus pelamis} \end{cases}$
Turbot	$\begin{cases} \text{Scophthalmus maximus (L)} \\ \text{Rhombus maximus (L)} \\ \text{Bothus maximus L} \\ \text{Colisteum nudipinnis} \end{cases}$

Column 1	Column 2
Names (or alternative names) by which fish should be sold retail	Scientific names of species to which names in Column 1 apply
Tusk	$\left\{ \begin{array}{l} \text{Brosme brosme (Mull.)} \\ \text{Brosmius brosme (Mull.)} \\ \text{Brosmius vulgaris (Flem.)} \end{array} \right.$
Whitebait	$\left\{ \begin{array}{l} \text{Young of Clupea harengus L} \\ \text{Young of Sprattus sprattus (L)} \end{array} \right.$
Whiting	<i>Gadus merlangus L</i>
Witch	$\left\{ \begin{array}{l} \text{Glyptocephalus cynoglossus (L)} \\ \text{Pleuronectes cynoglossus (L)} \end{array} \right.$
Wrasse	$\left\{ \begin{array}{l} \text{All species of Labrus} \\ \text{All species of Centrolabrus} \\ \text{All species of Crenilabrus} \\ \text{All species of Acantholabrus} \\ \text{Coris julis (L)} \\ \text{Symphodus melops (L)} \end{array} \right.$
Salmon	$\left\{ \begin{array}{l} \text{All species of Oncorhynchus} \\ \text{Salmo salar} \end{array} \right.$
Sea trout or "Salmon" Trout or Brown trout	$\left\{ \begin{array}{l} \text{All species of Salvelinus} \\ \text{Salmo clarkii} \\ \text{Salmo trutta} \end{array} \right.$
Rainbow trout	<i>Salmo irideus</i>
Bream	All species of Abramis
Carp	<i>Cyprinus carpio</i>
Perch	<i>Perca fluviatilis</i>
Pike	<i>Esox lucius</i>
Perch—Pike	<i>Lucioperca sandra</i>

#### SHELL FISH

Oyster	All species of <i>Ostrea</i> All species of <i>Crassostrea</i> <i>Portuguese oyster:</i> <i>Crassostrea</i> ( $\equiv$ <i>Gryphacea</i> ) <i>angulata</i>
Mussel	All species of <i>Mytilus</i>
Cockle	All species of <i>Cardium</i>
Clam	All species of <i>Venerupis</i> $\equiv$ <i>Paphia</i> <i>Soft shell clam</i> <i>Mya arenaria</i> <i>Hard shell clam</i> All species of <i>Venus</i> <i>Razor clam</i> All species of <i>Ensis</i> and <i>Solen</i>
Abalone or Ormer	All species of <i>Haliotis</i>

Column 1	Column 2
Names (or alternative names) by which fish should be sold retail	Scientific names of species to which names in Column 1 apply
Whelk	$\left\{ \begin{array}{l} \text{All species of Buccinum} \\ \text{All species of Neptunia} \end{array} \right.$
Winkle	All species of Littorina
Prawn	$\left\{ \begin{array}{l} \text{All species of Palaemon (\equiv Leander)} \\ \text{All species of Penaeus} \\ \text{All species of Metapenaeus} \\ \text{Deepwater prawn } \textit{Pandalus borealis} \end{array} \right.$
Shrimp	$\begin{array}{l} \text{Crangon vulgaris} \\ \text{Pandalus montagui} \end{array}$
Crab	$\left\{ \begin{array}{l} \text{All species of Cancer} \\ \text{All species of Lithodes} \\ \text{All species of Paralithodes} \\ \text{All species of Callinectus} \\ \text{All species of Maia} \end{array} \right.$
Lobster	All species of Homerus
Crayfish	$\left\{ \begin{array}{l} \text{All species of Palinurus} \\ \text{All species of Panulirus} \\ \text{All species of Jasus} \\ \text{Freshwater crayfish } \textit{Astacus fluviatilis} \end{array} \right.$
Norway lobster or Dublin Bay prawn or Scampi	Nephrops norvegicus
Scallop	$\left\{ \begin{array}{l} \text{All species of Pecten} \\ \text{All species of Placopecten} \\ \text{All species of Notavola} \\ \text{Queen Scallop all species of Chlamys} \end{array} \right.$

